TABLE OF CONTENTS
IAB # IV2376476

VOLUME 1:

TABLE OF CONTENTS
IAB # IV2376476

SOUTH PATROL DIVISION - CARSON STATION
INVESTIGATIVE SUMMARY
IAB IV 2376476

COMPLAINANT:	Chris E. Marks, Captain Carson Station
SUBJECT:	Deputy Ryan Maddex #[redacted] Carson Station
WITNESSES:	Lieutenant Kevin Lloyd #[redacted] Sergeant Jose J. Ramos #[redacted] Sergeant Fred N. Binion #[redacted] Sergeant Richard M. Torres #[redacted] Sergeant Jeffrey R. Fleming #[redacted] Carson Station
	Sergeant Michael D. Austin #[redacted] Professional Standards Division
	Sergeant Francis Espeleta #[redacted] Deputy Monica Kitchin #[redacted] Operation Safe Streets Bureau
	Lieutenant Christopher V. Bergner #[redacted] Detective Division Headquarters
	Lieutenant April L. Tardy #[redacted] Central Patrol Division Headquarters
	Sergeant Douglas A. Murakami #[redacted] Audit and Accountability Bureau
LOCATION:	Carson Station 21356 South Avalon Boulevard Carson, CA 90745
DATE/TIME OF CONDUCT:	May 20, 2013, through March 10, 2015
DATE IAB OPENED:	March 24, 2015
PRIMARY INVESTIGATOR:	Lieutenant [redacted]

ALLEGATIONS:

Manual of Policy and Procedures -	3-01/050.10 - Performance to Standards 3-01/100.35 - False Information in Records 3-01/030.05 - General Behavior 3-01/000.13 - Violating the Department's Core Values 3-01/030.10 - Obedience to Laws, Regulations, and Orders

SUMMARY

Detective Ryan Maddex (hereafter referred to as Subject Maddex) was assigned to Carson Station Detective Bureau on May 26, 2012. In April of 2014, Subject Maddex was reassigned as a juvenile gang detective which is a specially funded contract item paid for by the city of Carson. This item is typically attached to Carson Station's Operation Safe Streets Bureau (OSS) and performs the function of a gang detective.

Carson Station Detective Bureau Sergeant Jose Ramos conducted an audit of overdue criminal cases in September of 2014. This audit was conducted by use of the Los Angeles Regional Crime Information System (LARCIS) database which among its many features, tracks case assignment and case status for investigators. Sergeant Ramos's audit revealed that Subject Maddex had four (4) outstanding criminal cases assigned to him that were still open beyond 90 days. These four (4) cases were originally assigned to Subject Maddex during his tenure in Carson Station Detective Bureau. He continued investigative work on these cases after being reassigned to Carson Station's OSS unit. These cases are listed under the following Carson Station file numbers:

- 914-00104-1620-042
- 014-02196-1615-715
- 014-02314-1617-146
- 014-02400-1624-054

Investigators are required to complete their cases within 30 days. If an investigator requires more time to complete a case, he or she is to notify their direct supervisor and document this notification in their case journal. If a case is still open beyond 90 days, the investigator is to notify the Detective Bureau Commander both verbally and in writing in the form of a memorandum per Field Operations Directive 11-01.

The matter of the four (4) outstanding cases was brought to the attention of Subject Maddex by Sergeant Ramos in September of 2014. He also notified Subject Maddex's direct supervisor at the time, Sergeant Francis Espeleta of OSS. Sergeant Ramos continued monitoring Subject Maddex's progress on these cases for the following two (2) months.

In January of 2015, the newly assigned Detective Bureau Commander, Lieutenant Kevin Lloyd, also found Subject Maddex's four (4) outstanding cases after conducting his own audit in the LARCIS supervisor's case management database. Through

channels, Subject Maddex was given a 30 day deadline to complete these investigations.

In March of 2015, Sergeant Ramos continued to monitor Subject Maddex's progress only to find no progress at all. On March 10, 2015, Subject Maddex met with Sergeant Ramos and informed him of 11 additional Detective Bureau cases that were assigned to him but also not completed. Witness Ramos examined these cases and found most had been closed and cleared in the LARCIS case closure database but little-to-no investigative work had been done on them. It appeared as though Subject Maddex closed these cases in LARCIS to conceal their overdue status from supervisors.

On March 11, 2015, Sergeant Ramos verbally ordered Subject Maddex to suspend all investigative activities on the now 15 cases brought to light. This order was given again by Lieutenant Lloyd on or about March 13, 2015.

Sergeant Ramos authored a memorandum dated March 12, 2015, alerting Carson Station Unit Commander, Captain Chris E. Marks about what he had discovered.

In late March of 2015, Carson Station Detective Bureau Sergeant Jeffrey Fleming, while reviewing closed cases, came upon a completed case file submitted by Subject Maddex under Carson Station file number 013-09058-1622-133. This case file was deficient in many areas but most notably, it was completed nearly 18 months after it had been originally assigned to Subject Maddex. Sergeant Fleming alerted Lieutenant Lloyd of this case as well.

With the addition of the case discovered by Sergeant Fleming, there were now a total of 16 cases that appeared to have been mishandled by Subject Maddex and were grossly overdue. Each of these criminal cases was reassigned and investigated anew by various supervisors assigned to Carson Station. Each case (1-16) will be summarized here with their corresponding Uniform Report Numbers (URNs). These summaries will include a brief description of the crime reported, the condition and appearance of Subject Maddex's case files, the investigative action he took (if any), and a description of how each case was cleared in the LARCIS database (not all received clearances). The end of each summary will chronicle the findings made by the supervisor assigned to reinvestigate the case.

Following each of these summaries will be excerpts from administrative interviews of Subject Maddex and any witness who had any connection to a given case. Portions of the subject and witness interviews that do not pertain to a given case will be summarized and found under the cover sheets ***Subject Interview*** and ***Witness Interview*** respectively. The transcriptions of these interviews will also be found under these headings.

The contents of Subject Maddex's case files as they appeared at the beginning of this investigation will be marked as its own exhibit for a total of 16—***Exhibits A through P***. Materials from the follow-up criminal investigation will also fall under the same exhibit

designation. Because the case file materials themselves are so voluminous, each case file exhibit will display its own table of contents.

CASE #1

FILE NUMBER: 913-05018-1611-144

REPORT DATE: May 18, 2013

CLASSIFICATION: Battery, 242 PC (misdemeanor)

CASE SYNOPSIS:

On May 17, 2013, a social worker from the Department of Public Social Services [redacted]) was the victim of a battery. [redacted] oversees an adult job training program that transitions welfare recipients into the workforce. One of the program's participants ([redacted]) was nearing the end of her four (4) week curriculum and was requesting her certificate of completion; only to be turned away because she violated the dress code policy. [redacted] became enraged and punched [redacted] in the forehead.

INITIAL OBSERVATIONS:

The case file contents were fastened in place by a two-hole clasp on the folder's right side. Its contents were in no discernable order. The case journal was affixed to the left side of the folder as required. This journal is a typed copy generated by the Case Level Evaluation Assignment and Tracking System (CLEATS).

Among the file's content was a memorandum dated August 20, 2013, with reference to the above file number. The memorandum is from Subject Maddex and addressed to Lieutenant Christopher Bergner. The subject reads, "STATUS OF INVESTIGATION – EXTENSION ADVISORY" which is advising Lieutenant Bergner that the case had been open for 92 days.

A printed LARCIS closure form was attached displaying the LARCIS closure codes of 214 (Case cleared by exception, victim refuses to prosecute) and 061 (Case not referred to prosecutor's office). A discrepancy was noted when reviewing this clearance form. According to the printed LARCIS closure screen, the case was closed on September 19, 2013. This date is in conflict with Subject Maddex's journal which indicated the case was closed on May 8, 2014. The case closure supplemental report also bears the date of May 8, 2014. A field appears at the bottom of the LARCIS case closure screen titled *Cleared By: (Primary Investigator).* The field's boxes are populated with Subject Maddex's name and employee number along with his assignment at the time; that being Carson Detective Bureau. The presence of Subject Maddex's name would indicate ostensibly that it was he who in fact closed the case in LARCIS.

TIME LINE:

According to Subject Maddex's case journal, he was assigned the case on May 20, 2013. He placed phone calls to the victim on May 24 and 28, 2013. In the latter call, he made contact with the victim who reiterated her desire to follow through with prosecution. On July 11, 2013, Subject Maddex compiled a photographic show-up and presented it to the victim. The victim positively identified [redacted] as the suspect (the original color photographic array along with the Photographic Show-Up Admonition signed by the victim are in the case file).

Subject Maddex's journal indicates he submitted a Supervisory Review Memo advising he needed an additional 30 days to complete his investigation (extending the case to 60 days). This entry notes Sergeant Austin as being notified. The explanation for the extension as listed by Subject Maddex read: "The main witness will be on vacation until August."

Subject Maddex's journal indicated he submitted these reviews every 30 days thereafter until reaching the 330 day mark. These journal entries appear as follows:

- August 20, 2013, 90 days. "Waiting to talk with witnesses." Per this entry, Lieutenant Bergner was notified.
- September 20, 2013, 120 days. Sergeant Austin is documented as being notified. No explanation is given as to why the case was extended.
- October 20, 2013, 150 days. Sergeant Austin is documented as being notified. No explanation is given as to why the case was extended.
- November 20, 2013, 180 days. Sergeant Austin is documented as being notified. No explanation is given as to why the case was extended.
- December 20, 2013, 210 days. Sergeant Austin documented as being notified. No explanation is given as to why the case was extended.
- January 20, 2014, 240 days. Sergeant Austin documented as being notified. No explanation is given as to why the case was extended.
- February 20, 2014, 270 days. Sergeant Austin documented as being notified. No explanation is given as to why the case was extended.
- March 20, 2013, 300 days. Sergeant Austin documented as being notified. No explanation is given as to why the case was extended.
- April 20, 2014, 330 days. Sergeant Austin documented as being notified. No explanation is given as to why the case was extended.

INVESTIGATION

Also on April 20, 2014, Subject Maddex made a journal entry indicating he called the victim and received no call back. On May 8, 2014, he prepared a contact letter to be processed, placed on Department letterhead and sent to the victim via US Mail by the Detective Bureau secretary. The letter instructed the victim to contact Subject Maddex or the case would be inactivated. On this same date, Subject Maddex closed the case citing the victim's refusal to cooperate.

According to Sergeant Binion, who conducted the follow-up criminal investigation, Subject Maddex told the victim an arrest warrant was issued for the suspect. The Prosecutor's Information Management System (PIMS) is a computer database used by the District Attorney's Office that tracks all court cases, from their filings to final adjudication. I checked the suspect's name via this database and found no criminal filing connected to this case. Additionally, Sergeant Binion conducted a wants/warrants check for the suspect, [redacted] (FB/[redacted]) and located no such warrants.

FOLLOW-UP CRIMINAL INVESTIGATION

On March 10, 2015, this case was reopened and investigated by Carson Station Detective Bureau Sergeant Fred Binion. He prepared a supplemental report detailing his findings. The narrative of this supplemental report read in part as follows:

> *I contacted the victim at her residence on March 10, 2015, at approximately 1915 hours. I went to the victim to inform her the statute of limitations regarding this case had expired May 2014. When I arrived at the victim's home, I asked her if she remembered this incident and she recalled the incident from memory. She informed me she was attending physical therapy because of this incident, and she had sought the advice of an attorney.*
>
> *I asked the victim when was the last time she saw or spoke with Subject Maddex after the six-pack photo lineup had been conducted in July 2013. She told me she had spoken with Subject Maddex several more times between August, 2013 and September, 2013. After September, 2013, she stated she had not spoken to Subject Maddex until March, 2015. The victim continued to tell me the last time she spoke to Subject Maddex, he told her a warrant had been issued for the suspect, but it could take time before the suspect was contacted and arrested for the warrant. The victim stated she felt Subject Maddex had been working the case, however, if she would have known the case would expire, she would have insisted Subject Maddex complete this investigation.*
>
> *I asked the victim if she had received a letter around May, 2014 notifying her Subject Maddex was trying to contact her regarding this case. She stated she never received any letter from the Los Angeles County Sheriff's Department and she has been living at her current address for over 20 years. I asked the victim if she ever refused to cooperate with this investigation and she indicated she did*

not as she was always available to answer questions or meet with Subject Maddex. The victim stated in the past, the Sheriff's Department had assisted her with several issues and she wanted the suspect prosecuted regarding this case. However, she was displeased the way this case was handled and to discover the case had expired.

It should be noted, the victim stated the blow to her face caused bruising above her right eye and she became dizzy. She took off a week from work and has been under her doctor's care for migraine headaches since the incident occurred.

I ran the suspect's name for warrants and there were no warrants issued for the suspect at the time of this supplemental report.

This investigation is now closed.

SUBJECT / WITNESS INTERVIEW SUMMARIES:

WITNESS MICHAEL D. AUSTIN

Witness Austin was Subject Maddex's direct supervisor in Carson Detective Bureau. We first looked at Subject Maddex's case journal for this case. I directed Witness Austin's attention to the journal entry of July 20, 2013, which read, "Supervisory review, 60 days, Sergeant Austin notified, Witness on vacation." Witness Austin did not specifically remember receiving this notification but it was not uncommon for investigators to update him verbally when cases reached the 60 day mark.

I showed Witness Austin eight (8) additional journal entries—each in 30 day increments—which also read, "Sergeant Austin notified." These "notifications" spanned from 60-330 days. I asked him if he recalled being notified of the case's extension anytime beyond 60 days. He was quick to point out that even at the 120 day mark, he would find it unacceptable, especially given the fact there was no investigative activity listed in the journal during this time span. With respect to the journal entries listed which invoked his name as the supervisor being notified, Witness Austin said, "He did not notify me and these journal entries are not true."

When asked, Witness Austin once again confirmed he was reassigned to ICIB on April 13, 2014, and as of that date, was relieved of all supervisory responsibilities at Carson Station. With this in mind, I drew his attention to Subject Maddex's journal entry of April 20, 2014, which listed him (Witness Austin) as being notified that the case was now open beyond 330 days. Witness Austin remembered this date specifically because not only did it fall on a Sunday, but he was also on an airplane over the Pacific Ocean on his way home from Hawaii. Witness Austin received no work-related calls that day and would not have had any discussions about an overdue station detective bureau case file from a unit he was no longer assigned to.

I asked Witness Austin about the procedures involved when an investigator notifies a supervisor that a case is open beyond 60 days. He said such notifications are done verbally, however, once the case reaches the 90 day threshold, the investigator is to prepare a memorandum addressed to the Detective Bureau Lieutenant advising him of the extension. Such a memorandum would usually be submitted to Witness Austin first where he would, at times, place his initials on it and then forward it to the Detective Bureau Lieutenant. The lieutenant signs or initials the document and it would later be placed in the investigator's case file.

It was standard practice for Witness Austin to run a 30/60/90 day LARCIS case management report on members of his team at least once per week or at minimum, once every two (2) weeks. I asked Witness Austin if closed cases would appear on the 30/60/90 day report. He said they would not.

I then showed Witness Austin a printout of the LARCIS case closure screen for this case. At my request, he read aloud the case closure date of September 19, 2013. I asked if he had any way of knowing that Subject Maddex was still actively investigating this case despite it registering as closed in LARCIS. He said he would not and added he "wouldn't be questioning case status if it wasn't open."

Still viewing the LARCIS case closure screen, I pointed out that Witness Austin's name appeared as the approving supervisor. I asked if it was possible that his name was placed in the screen's field without his knowledge. He replied, "Absolutely. All of the detectives here at Carson Station would clear their own cases in LARCIS after their investigations." He continued, "But they would then present the case file to me for visual inspection which I would go through thoroughly to ensure a quality control type of inspection of the case file and the investigation done." When a closed case is submitted, Witness Austin would place his initials next to his name at the bottom of the printed LARCIS case closure screen upon approval of the entire case file.

I asked Witness Austin if it was standard practice for him to keep a paper log of cases he assigned to investigators. He acknowledged that he did keep such a log and described its three (3) primary functions:

- It served as a quick reference to see which investigator was assigned a particular case
- It helped with equal distribution of cases when assigning investigators
- Ensured that cases were properly inputted into LARCIS

The log was not a standardized document and had been developed in-house several years prior. It was also not used to track cleared cases as it was not entirely accurate (oftentimes investigators would self-assign cases during weekends and not record such a fact on this log).

WITNESS CHRISTOPHER BERGNER

I showed Witness Bergner the memorandum addressed to him from Subject Maddex notifying him of the case's 90 day status. I asked Witness Bergner if he recalled receiving this memorandum and he said, "No I do not." I asked if he *were* to receive such a document, was it standard practice for him to sign, initial it, or acknowledge its receipt in some way. He said:

> *"Absolutely. Every extension case that I reviewed, for the supplemental reports, I stamped them with a 'Lieutenant Bergner Contents Noted' stamp as well as an initial and a date within the stamp."*

I pointed out that on this document, such a stamp was not present. I reconfirmed with Witness Bergner that if he in fact approved this memo, his stamp would have appeared on it. Witness Bergner replied, "Yes it would have." I asked if it was safe to assume that this document should *not* have appeared in the case file since it had not been approved. Witness Bergner replied, "That's correct."

I showed Witness Bergner the LARCIS case closure screen for this case which displayed the date of September 19, 2013, as the closure date for this case (he also read this date aloud at my request).

WITNESS JEFFREY FLEMING

Witness Fleming's initials appear on the front of the case file, the case journal, a 90 day case extension advisory memorandum addressed to Lieutenant Bergner dated August 20, 2013, a case closure supplemental report dated May 8, 2014, and the printed LARCIS case closure screen. When shown these initials, Witness Fleming confirmed they were his.

He went on to say that Subject Maddex was never under his direct supervision. One of the three (3) team sergeants, Witness Austin, was loaned out of Carson Station in April of 2014, and in his absence, Witness Fleming reviewed case closures for both their teams. Such was the case when he reviewed and signed this case. By Witness Fleming's estimations, he reviewed 15-30 per day (in addition to his other duties) until Witness Austin's team sergeant item was filled again.

Witness Fleming was satisfied Subject Maddex did his due diligence when attempting to locate the victim in this case. He came to this conclusion primarily due to the presence of a contact letter addressed to the victim dated May 8, 2014.

WITNESS FRED BINION

Witness Binion reinvestigated this case on May 20, 2015. During the interview, I referenced the contact letter authored by Subject Maddex which was purportedly mailed to the victim. The letter advised the victim the case was being closed due to Subject

Maddex's inability to reach her. Witness Binion, as part of his reinvestigation into the matter, made contact with the victim who said she never received this letter.

I asked Witness Binion if the victim had changed her phone number or home address since the first report was filed. She had not. He was able to reach the victim using the same contact information as it appeared on the first report.

Witness Binion did confirm that Subject Maddex made contact with the victim in the early stages of the investigation. During this contact, Subject Maddex told the victim an arrest warrant had been issued for the suspect but she was not yet in custody.

I asked Witness Binion why he did not file this case with the District Attorney's office for filing consideration. According to Witness Binion, the case was not presented because it was almost two (2) years old and had fallen out of statute due to its misdemeanor status.

I asked Witness Binion, given his experience as a Detective Bureau Team Leader, if he felt Subject Maddex conducted a thorough investigation into this matter. He stated, "No."

SUBJECT RYAN MADDEX

Subject Maddex was asked about his case journal entries wherein he listed Sergeant Austin as being notified of the case's extension all the way to the 330 day mark. Subject Maddex admitted that he did not make these notifications.

I showed Subject Maddex the LARCIS case closure screen for this case. I asked if he was the person who populated the fields on this screen; up to and including the case closure section which listed an adult being arrested in this case. Upon being asked, he stated that it was he who inputted this data into the closure screen. He also admitted that contrary to what was inputted in the closure screen, an adult was not arrested in this case.

I asked him why this closure screen listed September 19, 2013, as the date in which the case was closed in LARCIS yet his journal listed the case as being closed on May 8, 2014. His response was as follows:

> *"Sometime during -- sometime during 2013, I had -- I had understood LARCIS the database LARCIS and my access to it. I had basically used the September 19th, 2013 entry date to basically -- as a tool to kind of police my own 90 day cases. I didn't -- I didn't mean any -- my intent was not to deceive anybody. This was just me using it as a tool to maintain my 90 day cases. In addition to that, when it says the description of adult arrested is because my plan at that time on September 19th was to arrest this person. The actual investigation result was a 214, victim refused to cooperate. Now, my only explanation as to why 214 is here and not adult arrested is because when you highlight the case status field, if*

you don't hit 'enter' -- or you don't hit 'tab,' then that description doesn't -- it doesn't compute, it doesn't transfer over to the description of that code. So that's–"

Having reviewed all 16 cases prior to this interview, I saw that several of these cases were also closed in LARCIS on September 19, 2013. With this in mind, I asked him if there was any significance to this date and if he planned on making an arrest on that date as he suggested in his previous answer. His was response was as follows:

"Not that I was -- well, that date that I was planning to make an arrest -- I think this is when I had learned that -- or at least what I -- what I understood to be able to -- to be able to basically project my -- project my case outcomes -- basically, project my case outcomes when I did that."

At this point, his counsel, Ms. Elizabeth Gibbons clarified Subject Maddex's statement saying:

"I don't think he's saying that on September 19th he thought, 'Okay. I'm going to arrest Joe Blow.' What he's saying is on September 19th, he figured out that he could use this as a tool to police the cases. And his projection of the outcome of the case was that he was going to arrest somebody that he didn't know at that time."

She further clarified that Subject Maddex was not going to necessarily arrest someone on September 19, 2013, but rather, that date was when he projected the case would be closed.

Subject Maddex followed up Ms. Gibbons' statement saying, "In reviewing this case I believed I was going to arrest this person."

I informed Subject Maddex that at least four (4) other cases we were to review for this interview also had closure dates of September 19, 2013. I asked if his explanation regarding the closure date for those cases would be the same as this one. He responded, "Pretty much."

Sergeant Botello asked a follow-up question regarding Subject Maddex's use of the LARCIS case closure code of 214 which is defined as *Case cleared by exception, Victim refuses to prosecute.* She wanted clarification regarding the contradiction of a closure code that suggested the victim was non-desirous of prosecution yet the closure also listed an adult as being arrested. In this regard, she asked if the closure code of 214 was subsequently changed. He responded as follows:

"No. From looking at these documents, the only way that the description would have read 'adult arrested' is if I originally had the code of 200, because that would have been the only code to make it say 'adult arrested.' And I believe that was done on September 19th, 2013. When the case ended up on May 8th when I realized the victim was -- was uncooperative -- because I couldn't get ahold of

her, I then changed the code to its appropriate final closure of 214. But again, I didn't hit the 'tab,' and it didn't transfer over the date. And I -- I can kind of clarify that on, I believe -- I don't know if it was another LARCIS entry that you had made on this particular case. I don't remember."

Believing Subject Maddex was suggesting that perhaps someone besides himself (in particular *me)* entered these codes, I showed him the top portion of the LARCIS closure screen which displayed his name. Any name appearing in this field would display the name of the person who was logged into LARCIS when the screen was in use. In this particular case, Subject Maddex's name appeared; indicating it was he who printed and last modified the screen we were examining.

I then showed Subject Maddex the 90 day memorandum he wrote and addressed to Lieutenant Bergner. He admitted to authoring the memorandum but not actually submitting it to Lieutenant Bergner.

As for the criminal case itself, Subject Maddex said he made contact with the victim, [redacted], presented a six pack to her and ultimately obtained a positive suspect identification. When asked, he said he never told the victim a warrant was issued for the suspect in this case.

On the subject of the contact letter found in his case file, he acknowledged authoring it. I asked if he saw to it that the letter was placed in the mail to which he responded, "To my best recollection, yes." Subject Maddex said he never received a response to this letter.

When asked, Subject Maddex said he did not present this case to the District Attorney's Office for filing consideration. Lastly, I asked if he felt as though he provided an adequate level of service to the victim in this case. His response:

"I think given -- given my -- you know, my caseload, I had -- you know, I had regrets about this case. And obviously, my intent as an investigator is not to have the statute of limitations expire. And this was the first time that that's ever happened to me. So yeah, I wish I would have done better on this case for her."

I asked him to estimate his caseload at the time he was assigned to investigate this case. His response:

"This particular case is a misdemeanor. I believe at the time I was either neck-deep in domestic violence cases because that was my specific crime assigned to me. I don't remember if I had transitioned over to assaults at that time, but my caseload was anywhere between 30 and 40, 50 cases at any time -- at any given time."

At this point during the interview, Ms. Gibbons asked to clarify Subject Maddex's earlier statements about the supervisory notifications regarding the case status. In particular,

she wished to clarify his point with respect to the memorandum addressed to Lieutenant Bergner. According to her, Subject Maddex was of the belief that submitting such documents was a "formality' in that such a memorandum need only be present in a case file to satisfy the scrutiny of a reviewing supervisor. Subject Maddex elaborated on this:

> *"If I can just kind of add to that -- you know, looking at the case and whatnot -- looking at the activity log, you know, it seems impractical to stand before a sergeant and say -- you know, because in this case it would be many cases that reached 60 days and 90 days. 'I'm notifying you about this. I'm notifying you about this.' When I became a detective, I was literal -- I had the literal mindset to everything. And I believe -- I can't recall who it was, if it was* [redacted] *-- but I remember saying 'Do I really have to notify somebody every 30 days, 60 days?' And he's like, 'No. There's a -- there's a drop-down menu in CLEATS.' And to me, it seemed a formality, just like a 90-day memo. It's a formality. As long as it's in there by the time you close it out, then you're good. If you submit a case without the 90-day memo in it, which has happened to me, then it gets kicked back to me, and I have to add the 90-day memo right then and there, do the math, and submit it back.'*

I asked Subject Maddex if he ever submitted other cases that exceeded 330 days that were approved despite being grossly overdue. He said that he had and once again described the practice of noting this in his case journal as a "formality." It is for this reason journal entries are *exactly* 30 days apart by their date, e.g. *30 Days on November 10; 60 days on December 10; 90 days on January 10* etc.

Lastly, Sergeant Botello asked Subject Maddex what the term "formality" meant to him to which he responded:

> *"I look at formality spanning out as a Detective Bureau. I'm sure detective sergeants have to have their investigators meet certain criteria for audit purposes. And if these aren't in there and the 90-day memo is not in there and the LARCIS sheet is not in there, then the Station looks bad, and that's a deficient case. So that's what I mean when it's a formality. That's what I foresee it to be a formality; that this is what's required for every single case closure."*

CASE #2

FILE NUMBER: 013-07119-1616-051

REPORT DATE: July 14, 2013

CLASSIFICATION: Assault with a Deadly Weapon, 245(b) PC (Felony)

CASE SYNOPISIS:

On July 14, 2013, the victim, [redacted] while standing in front of his home, was confronted by the suspect [redacted]. [redacted] is the [redacted] of a person with whom [redacted] had a previous confrontation. [redacted] made threatening statements and pointed a chrome .22 caliber handgun at [redacted] from inside her vehicle before quickly driving off. A second victim was on scene and recorded the suspect's license plate as she drove away.

INITIAL OBSERVATIONS:

The case file contained loose papers with nothing affixed to the folder. The papers themselves were in no discernable order. The contents of the folder contained the first report; Subject Maddex's case journal; criminal history reports of the suspect and victim; and a LARCIS closure printout. There were no case extension advisory memoranda present.

TIME LINE:

According to Subject Maddex's case journal, he was assigned the case on July 17, 2013. On September 3, 2013, he contacted the second victim's [redacted] but there are no notes or reports documenting what was said during this conversation. On September 17, 2013, Subject Maddex submitted a Supervisory Review requesting 30 additional days to investigate the case (60 days total). No explanation is given as to why. There are five (5) subsequent Supervisory Reviews in 30 day increments ending at 210 days dated February 17, 2014. The 90 day extension according to the journal, lists Lieutenant Bergner as being notified. The remaining reviews list Sergeant Austin as being notified. None of the journal entries offers an explanation as to why the case was extended.

Interspersed through these journal entries are two entries both dated December 13, 2013. One entry lists Subject Maddex driving to the victim's home and interviewing the victim's [redacted]. The second entry reads: "Administrative: I researched the suspect's info."

Subject Maddex's case journal shows continuous entries from July 17, 2013, through February 17, 2014, yet when researching LARCIS, it shows he closed the case on September 19, 2013. The closure codes listed were 214 (Case cleared by exception, victim refuses to prosecute) and 061 (Case not referred to prosecutor's office).

FOLLOW-UP CRIMINAL INVESTIGATION:

On March 11, 2015, this case was reinvestigated by Carson Station Sergeant Richard Torres. He learned the suspect, [redacted], had an outstanding warrant and now resided in Las Vegas, Nevada. He also learned [redacted] (listed in the first report as Victim 1) moved out of the area and his whereabouts were unknown.

Sergeant Torres presented a photographic show-up array to [redacted] (listed in the first report as Victim 2). She positively identified [redacted] as the suspect. [redacted] (Victim [redacted]), told Sergeant Torres that up until that point, she had never been contacted by an investigator about this case.

Sergeant Torres presented this case to Deputy District Attorney Edwin Wakabayashi of the Compton Superior Court who declined to file charges. He cited a lack of corroborating witnesses, the fact that only one (1) photographic identification was made, the fact that the primary victim could not be located and lastly, because a gun was never recovered which could prove beyond a reasonable doubt that the weapon brandished during this incident was an actual, functioning firearm.

SUBJECT / WITNESS INTERVIEW SUMMARIES:

WITNESS MICHAEL D. AUSTIN

I directed Witness Austin's attention to Subject Maddex's case journal entry of September 17, 2013, which read, "60 Days, Sergeant Austin notified." Witness Austin had no direct recollection of receiving this notification however, he had no reason to believe that Subject Maddex failed to make this notification either. I then showed Witness Austin an additional six (6) similar consecutive journal entries, in 30 day increments, spanning from 60 to 210 days. To this Witness Austin responded:

> *"I would not have accepted anything that Detective Maddex had to say about why the case was open for 210, or 180, or 150, or 120 days. He knows that at the 90 day mark, I would have been right on top of him about why this case was still open and why there was an obvious lack in his case journal of case activity."*

I then showed Witness Austin the LARCIS case closure screen and asked if it was evident this case was closed. Witness Austin not only acknowledged that the case was closed but also took note that it was closed on September 19, 2013; just as the previous case had been. He expanded on this by saying, "It would drop off my reports and [he] wouldn't have to answer questions from me as to why this case was open." While discussing this closure screen, Witness Austin said his name was placed in the field under "Approving Supervisor" without his knowledge.

I asked if he would have had any way of knowing whether Subject Maddex was still actively investigating this case after the closure date of September 19, 2013. Witness Austin would not have been aware because it would no longer appear on his 30/60/90

day case management report. Also, because the case was routine and not of a high profile or severity, Witness Austin would have no reason to make further inquiries. He finished this thought by saying, "I would have assumed he had done his job."

I asked Witness Austin this question again for clarification which prompted this response: "No. It makes no sense that he would have done this; other than to stay off my radar in regards to the handling of his cases in a timely manner."

WITNESS CHRISTOPHER BERGNER

I directed Witness Bergner to Subject Maddex's case journal entry of October 17, 2013, which is purportedly notifying him of the case's 90 day extension. I asked if he recalled receiving this notification to which he replied, "No I do not." He added, "And if I was notified, there would be an extension with my stamp on it."

I showed Witness Bergner the memorandum addressed to him from Subject Maddex that also purportedly notified him of the case's 90 day extension. Witness Bergner had not seen this memorandum prior to this interview. Additionally, Witness Bergner did not recall this case coming to him for a final review (not all cases did as the reader will see below).

I asked Witness Bergner if it was common practice to stamp other contents within a case file upon its final approval:

> *"I did periodic audits of cases throughout D.B. And as I reviewed the cases, I'd stamp or sign the journal portion under where the sergeants review the case. I'd put it as an additional form of review."*

I asked, seeing as how this case was closed on September 19, 2013, if it would appear on his 30/60/90 day LARCIS case management report. He replied, "No it would not."

WITNESS RICHARD TORRES

Witness Torres was assigned to reinvestigate this case on March 11, 2015. He was unable to contact the victim, [redacted] however he did make contact with his [redacted], [redacted], and the victim's [redacted], [redacted]. To Witness Torres's knowledge, Subject Maddex made no contact with anyone associated with this case.

Witness Torres obtained a positive suspect identification by use of a photographic lineup. Witness Torres presented this case to the District Attorney's Office who declined to file charges due to a lack of corroborating witnesses.

SUBJECT RYAN MADDEX

Subject Maddex admitted that he did not make supervisory notifications regarding his case status despite entries to the contrary appearing in his case journal. He also admitted to authoring a 90 day memorandum addressed to Lieutenant Bergner but never submitting it to him. I asked why he would have such a memorandum in his case file if he never submitted it. His answer was as follows:

> *"Because that's what I was told -- that's what I was told by Sergeant Austin that was general -- if there were any repetitive instructions while in DB is -- or reminding [sic] us 'Make sure you have your 90-day memo in your case file for the purposes of inspections. Make sure you have your 90-day memo in your case file at the time of inspection.'"*

I showed Subject Maddex the LARCIS case closure screen for this case which listed it as being closed on September 19, 2013. I asked why LARCIS showed this date as the case closure date yet his journal listed investigative activities well after it. His response:

> *"Because on this date, my intentions with this case and the progress of -- the progressive -- well, what I -- with the first report, what I believed this case was going to end up would to be a victim refused to cooperate."*

I asked what he based this assumption on to which he replied:

> *"Or my case activity? Okay. My LARCIS entry was September. This case was assigned to me in July. It's not in my notes because this is an incomplete activity log, but I had tried to contact both victims in this case with no answer. Additionally, in August, a month after getting this case, I got another case where it listed -- it was a cluster 242 case with six or seven witnesses, listing victim number two in this case, [redacted]. She was a suspect in another one of my cases. [redacted] was, to my recollection, a suspect victim in that cluster 242 case. So at first glance, I didn't -- you know, I didn't think anything of it. I -- I assumed that I was going to be able to have the victim sign a refusal form on this case, and that's what I thought at the onset."*

I located a hand written journal from the case file which Subject Maddex acknowledged was in his own writing. The entries in this journal listed investigative activities he performed on December 13, 2013 (also after his LARCIS closure date of September 19, 2013).

In further reviewing the LARCIS case closure screen, Sergeant Austin's name appeared at the bottom as the approving supervisor. Subject Maddex admitted to inputting Sergeant Austin's name in this field without his knowledge. He added however, that it was common practice for all detectives at Carson Station to input their direct supervisor's name in this field when closing a case.

I asked Subject Maddex if he prepared a supplemental report detailing his investigation for this case. He surmised that case #14 (which was related to this one) possibly had a supplemental report that detailed his investigation into both cases.

I asked him if he developed any leads in this case. He told of having difficulty locating the victim but of locating the victim's [redacted]. He focused more on the related case and in his words said, "I hadn't really done anything on this case."

CASE #3

FILE NUMBER: 913-07305-1610-339

REPORT DATE: July 19, 2013

CLASSIFICATION: Criminal Threats, 422(a) PC (Felony)

CASE SYNOPISIS:

On July 19, 2013, the victim, [redacted], received death threats via her Facebook account from a female identified as [redacted]. The victim and suspect appear to have had current or previous dating relationships with a [redacted]. The victim also appears to have a child with him.

INITIAL OBSERVATIONS:

The case file contained loose papers with nothing affixed to the folder. The papers themselves were in no discernable order. The contents of the folder contained the first report; Detective Maddex's case journal; a criminal history report for [redacted]; color DMV photographs of a [redacted] (possible suspect); color photographic show-up arrays of unknown males; handwritten notes; and a color photograph of [redacted]. There is no supplemental report authored by Detective Maddex.

TIME LINE:

Detective Maddex's case journal indicates he was assigned this case on August 2, 2013. On October 2, 2013, he submitted a Supervisory Review requesting 30 additional days to investigate the case (60 days total). Sergeant Austin is listed as being notified of this extension.

On November 2, 2013, a 90 day extension was submitted with Lieutenant Bergner listed as being notified. On December 2, 2013, a 120 day extension was submitted with Sergeant Austin listed as being notified. On January 2, 2014, a 150 day extension was submitted with Sergeant Austin listed as being notified. There are no investigative activities listed from the 60 day extension through the 150 day extension. There is also no explanation as to why the case deadline needed to be extended.

On January 12, 2014, Detective Maddex's journal indicates he compiled a photographic show-up array but did not specify whose suspect photograph was contained within it. On this same date, Detective Maddex is listed in his journal as driving to the victim's house to gather more information. It is not documented exactly what information was gathered.

On January 13, 2014, he is listed as conducting a work-up on the suspect and later contacting "the [redacted]" on the telephone.
On January 14, 2014, he received a phone call from the suspect but this person is not identified in his journal.

On February 2, 2014, a 150 day extension was submitted listing Sergeant Austin as being notified. A notation is listed in this journal entry which reads: "Pending meeting with Compton Court Juvenile DA Hicks regarding juvenile subject."

There are no further journal entries.

INVESTIGATION:

A check of LARCIS revealed the case was closed on September 19, 2013, with codes 224 (Misdemeanor filed, warrant obtained adult suspect, location unknown) and 020 (Misdemeanor filed). A check of PIMS however, revealed no evidence this case was ever presented to the District Attorney's Office. A criminal history check of [redacted] (the presumed suspect) also shows no evidence of a court filing. Subject Maddex's LARCIS clearance read that a warrant was obtained for the suspect as a result of the criminal filing however, no warrant was found to have ever been issued for the suspect, [redacted].

FOLLOW-UP CRIMINAL INVESTIGATION:

Carson Station Detective Bureau Sergeant Fred Binion reopened this case on April 9, 2015. The victim recalled having one (1) conversation with Subject Maddex about this case in November of 2013. There was a second conversation between them in March of 2015, wherein the victim reiterated her desire to proceed with criminal prosecution.

In the victim's conversation with Sergeant Binion, she also expressed her willingness to continue forward with criminal prosecution. Later during his investigation, Sergeant Binion made contact with the suspect, [redacted]. At the time of this contact, [redacted] had just reached her 18th birthday; making her 15 years of age at the time the incident was initially reported. Based on his conversation, he determined that the online statements made by the suspect were obscene and derogatory, but not felonious. He also dismissed the comments as the ramblings of a scorned and jealous 15 year old girl who had neither the means nor the ability to carry out her threats.

Sergeant Binion relayed his findings to the victim. He explained to her that at best, this was a misdemeanor case. He also conveyed the suspect's remorse for what she had posted on Facebook. In light of this information, the victim opted against prosecution.

In essence, Sergeant Binion had a (2) two year old misdemeanor crime that was now out of statute, and committed by a minor who lived in another county.

SUBJECT / WITNESS INTERVIEW SUMMARIES:

WITNESS MICHAEL D. AUSTIN

Witness Austin, when asked to comment on the October 2, 2013, journal entry listing him as being notified of the case's extension to 60 days, had no specific recollection of such notification. He had no reason to doubt that such a notification could have been made to him verbally. Cases at the 60 day mark did not necessarily rise to the level of an inquiry into the status of the case.

I pointed out that there were an additional eight (8) such entries spanning from 60 to 150 days. To this, Witness Austin responded by saying:

"After the 90 mark, there is no way I would have accepted the fact that the case was still open. Just looking at his case journal, there's no activity taking place during that time. That's not acceptable."

I showed Witness Austin the LARCIS case closure screen for this case and asked if it was evident to him the case was closed. He confirmed that it was in fact closed and openly observed that this case was closed by Subject Maddex on September 19, 2013, as had previous cases we discussed thus far.

When asked, Witness Austin said he would have no way of knowing that Subject Maddex was still actively investigating this case because it would no longer appear on his "active/assigned" reports.

Like the preceding cases, Witness Austin said it was likely his name was listed as the approving supervisor in LARCIS without his knowledge.

Lastly, he had no recollection of this case ever being closed and submitted to him for approval.

WITNESS CHRISTOPHER BERGNER

We discussed Subject Maddex's case journal entry of November 2, 2013, purportedly notifying Witness Bergner of the case's 90 day extension. Witness Bergner recalled receiving no such notification. I showed Witness Bergner the memorandum dated November 2, 2013, which also purportedly notified him the case was open for over 104 days and further requested his permission to extend the case. Once again, Witness

Bergner had not seen this memorandum prior to this interview. Witness Bergner, upon being asked, pointed out that his stamp did not appear on this memorandum.

I pointed out that this case was closed in LARCIS on September 19, 2013. I asked Witness Bergner if it would appear on his 30/60/90 day LARCIS case management report. He said it would not. Upon hearing this date of September 19, 2013, Witness Bergner remarked that it was the same case closure date appearing in the previous cases we had discussed in this interview.

WITNESS FRED BINION

Witness Binion was assigned to reinvestigate this matter. His accounts of this case are consistent with the above summary under the heading "Follow-Up Criminal Investigation."

SUBJECT RYAN MADDEX

Subject Maddex admitted that he did not make supervisory notifications regarding his case status despite entries to the contrary appearing in his case journal. He also admitted to authoring a 90 day memorandum addressed to Lieutenant Bergner but never submitting it to him.

I showed Subject Maddex the LARCIS case closure screen which like the two (2) cases we had just discussed, displayed a case closure date of September 19, 2013. I asked Subject Maddex if he closed this case on that date to which he responded:

> *"I did not close the case, but I did -- I did make an entry into LARCIS, again, projecting what I believed I was going to do for this particular case."*

Noting that once again, we were discussing a case with a closure date of September 19, 2013, I asked if there was any significance to this date. His response:

> *"I think this was -- it was around the time of -- in 2013 that I had, basically, you know, understood that I could -- again, to police my own 90-day cases, it was a tool that I can utilize to monitor my own 90-day cases. And you know, there was a -- Sergeant Austin had a meeting around this date, and he told us as detectives, "Don't 120 your cases. 120 -- definition for 120 is no further workable. Don't 120 your cases." I took that as literal. "Don't 120 your cases." So all of these closures that we're going to discuss today are everything but 120s. I took it literal. He stressed, "Close out your 90-day cases." I took it literal. So I think I -- I don't remember who I spoke to. I asked if this was okay, you know, "Hey, are we allowed to, basically, make entries to basically, you know, monitor our own 90-day cases by making these entries?" And I was told yes, so that's what I did. When I -- when I had that understanding and I went into LARCIS on these cases on September 19th, I could tell you that I went through my 90-day cases at the time or the cases that I knew I was going to do*

something soon on. I went -- I reviewed them based on either the 49 itself or based on my lack of cooperation with the victims or where I thought the case was going to go or maybe even what the DA was going to do. I would project those entries into LARCIS. Therefore, you know, basically, you know -- basically, it kind of takes the case off the radar, so to speak. I believed this to be okay. My intent was not to deceive. My intent was just accuracy on what I felt the case or the investigation was going to be at that particular time. So in reviewing the paperwork, I saw that there was approximately, you know, I think there was about four cases that has that particular date of September 19th, 2013."

Subject Maddex was asked to define LARCIS code 120:

"120 is no further workable. So I heard that this practice of closing one -- I was under the understanding that detectives close their cases out just as I have, but they had done it using 120. I took Sergeant Austin's orders as literal. It was somewhat of a serious meeting. We went on to have an audit, our annual audit. And you know, I basically did what he asked, 'Don't close your cases 120.' So I didn't -- that's what led me to believe that 'Okay, well, I'm going to close them out as close as to what the eventual investigation is going to be, but I'm not going to close them out 120 because Sergeant Austin told me.' That's it."

I focused on Subject Maddex's early comment of "keep it off the radar" in terms of his case status in LARCIS. I asked him if projecting a case closure was his way of "keeping it off the radar." His response:

"That wasn't my intent. My intent was to give my projections on cases that I -- I knew what I was going to do with those cases, and I was following the orders of not closing them as 120. When I say "take off the radar," whatever that looks like -- and I -- and I have to bring this up: Detectives have LARCIS, and detectives have CLEATS. It does me no benefit to close a case out in LARCIS, but still maintain my CLEATS log and have, you know, just like that one case, 330 days old. It will tell you right there, front and center, that your oldest case on top of your assigned cases within CLEATS -- it will tell you the date -- how many days old it is. And that was something that I maintained the entire time I was in DB, and it's what I've maintained on everything. So to keep it off the radar to me meant I'm going to give a temporary -- I guess a temporary closure to these cases. And if anybody's looking at these cases, I believed it was for the benefit -- I mean, not for the benefit, but basically, any sergeant looking at my cases, whether through LARCIS or if they were physically on my desk, which they were -- they can go through these. And some of these LARCIS printouts, they were -- you know, I did this on September 19th. I printed those out, and I kept them in my case file until the time that I had to turn them in. Because just like the 90-day memo, I felt that that was something that needed to be in the case file in case anybody asked. Nobody asked. This is how my cases were on the day of my -- you know, my annual inspections. Nobody ever said anything to me. I didn't think it was wrong. And again, you know, that's –"

Subject Maddex acknowledged performing investigative tasks on this case after September 19, 2013. Subject Maddex again admitted to inputting Sergeant Austin's name on the LARCIS case closure screen without his knowledge but added this caveat:

> *"The reason I feel that his name has to be inputted by me is because on the very top of a case closure of a completed case -- this LARCIS printout is on the very top. It's two-hole punched. All -- I'm assuming that a that a sergeant approving any case would have to go into their managerial screens within LARCIS that I'm not familiar with, and would have to close out this case, somehow, some way. But I know on the onset that if this LARCIS sheet printout is completed -- you know, if it's completed, then all they have to do is initial somewhere on that page to tell "Hey, the LARCIS page is in there." And again, it's a formality, I believe. So that's all I'm going to say for that question."*

I then referred back to the LARCIS closure screen and noted aloud that he closed the case with code 224 which is loosely defined as obtaining a misdemeanor filing from the District Attorney's Office with a warrant obtained. I asked Subject Maddex if he actually presented this case to the District Attorney's Office. He stated he did not.

Lastly, I asked him if he ever contacted any of the participants in this case. He said he had and did so on January 12, 2014.

CASE #4

FILE NUMBER: 013-09854-1624-133

REPORT DATE: September 26, 2013

CLASSIFICATION: Lewd Conduct, 647(a) PC (Misdemeanor)

CASE SYNOPISIS:

On September 26, 2013, an 18 year old female ([redacted]) was walking on Avalon Boulevard when a male driving a four-door vehicle pulled ahead of her. As the victim neared the vehicle, she saw the driver (a male Hispanic adult) masturbating. This incident appears to be related to a similar incident occurring an hour later which was documented under Carson Station file number 013-09870-1623-134.

INITIAL OBSERVATIONS:

The case file contained loose papers with nothing affixed to the folder. The papers themselves were in no discernable order. The contents of the folder contained the first report; Detective Maddex's case journal; a DMV printout and photograph of a [redacted] a color photographic show-up array; a blank and unsigned

Photographic Show-Up Admonition and a Status of Investigation-Extension Advisory addressed to Lieutenant Bergner (90 days) dated December 30, 2013.

TIME LINE:

Detective Maddex's case journal lists no investigative activities. It shows he was assigned the case on September 30, 2013. On November 30, 2013, he submitted a 60 day case extension advisory listing Sergeant Austin as being notified. On December 30, 2013, he submitted a 90 day case extension listing Lieutenant Bergner as being notified. On January 30, 2014, he submitted a case extension advisory listing Sergeant Austin as being notified. This was the last case journal entry.

INVESTIGATION:

A check of LARCIS revealed no case disposition was entered. This case remained open for 540 days until it was closed out after being reinvestigated by Sergeant Richard Torres on April 3, 2015. The case up until that point however, was marked "pending" and never made "active" by Detective Maddex.

FOLLOW-UP CRIMINAL INVESTIGATION:

Sergeant Torres reinvestigated this case and arrested what he believed to be the suspect for outstanding warrants. While at the station, Sergeant Torres interviewed the suspect who admitted to frequently masturbating in his car and exposing himself to prostitutes as proof he was not a peace officer. He had no specific recollection of masturbating or exposing himself to the victim in this particular criminal case.

Sergeant Torres compiled a photographic show-up array containing a photograph of the above mentioned suspect. The victim was unable to make a positive identification. Because of this and the fact the case was now out of statute, it was not presented to the District Attorney's Office for filing consideration.

Based on this arrest and subsequent admission of lewd behavior, a bulletin was prepared featuring this suspect as a "person of interest" replete with his most recent booking photograph and a photograph of his vehicle. The bulletin was distributed to surrounding police agencies as well as internally throughout the Sheriff's Department.

SUBJECT / WITNESS INTERVIEW SUMMARIES:

WITNESS MICHAEL D. AUSTIN

We looked at Subject Maddex's case journal entry of November 30, 2013, which referenced Witness Austin as being notified that the case had reached the 60 day mark. To this, Witness Austin had no specific recollection of receiving such a notification but left open the possibility by saying, "...and I would probably say that, yeah, he probably made that notification to me."

I pointed out that the first report was marked "pending." Upon examination of the report, Witness Austin confirmed this fact. I asked if such a case would appear on his 30/60/90 day LARCIS case management report. "No. It would not." he replied.

I asked Witness Austin if he would have any way of knowing that Subject Maddex was actively investigating a *pending* case:

> *"I would have knowledge because I would have given it to him to investigate. And I believe it had connection to another case and I wanted to see if that connection actually existed. And I would have given him specific instructions to activate the case if in fact it was linked to the other case."*

He expanded on this statement by saying he would have given Subject Maddex specific instructions to place both cases under a master file number if in fact they were linked by a common suspect. Based on the case files shown to Witness Austin during this interview, it was not apparent to him that a master file number was ever drawn.

WITNESS CHRISTOPHER BERGNER

I pointed out Subject Maddex's case journal entry of December 30, 2013, wherein he is purportedly notifying Witness Bergner of the case's 90 extension. Witness Bergner recalls receiving no such notification.

We reviewed the LARCIS case closure screen for this case which listed this case as "pending." I asked Witness Bergner if a "pending" case would appear on his 30/60/90 day LARCIS case closure screen. He said it would not and added, "And it also would not need a 90 day extension if it was pending two (2) months later."

WITNESS RICHARD TORRES

Witness Torres contacted the victim on March 20, 2015. Much of this interview corroborated much of what he wrote in his supplemental report (most of which has been summarized above). However, he added that neither the victim nor her [redacted] were contacted directly by Subject Maddex. They did however, find his business card on their front door in March of this year (2015); some 18 months *after* this incident was initially reported.

SUBJECT RYAN MADDEX

Subject Maddex admitted to authoring a 90 day memorandum addressed to Lieutenant Bergner but not submitting it to him. Subject Maddex recalled this case and the fact that it was possibly linked to another similar case also assigned to him. I asked if he was ordered to create a master file if his investigative findings were that these case were indeed linked. He responded, "I don't know how to master file." He also stated this topic was never discussed with him during his mentorship under Witness Ramirez.

I asked him about the photographic show-up array and accompanying admonition form found in his case file. To this he said:

> *"Well, down at the bottom, it tells me that I created this on April 2nd, 2014, which is significant because it was the day before my last day at DB. I basically -- because I had so many cases, I had to do a lot of last-minute stuff, last-minute work prepping my case for field work. And basically, I believe number three is who I believed the suspect to be even though he wasn't identified. And the only reason I believe he was the suspect, because on the other case, he was the registered owner of that full license plate given."*

Investigator's note: Subject Maddex stated the photographic line-up was created on April 2, 2014. It is worth noting he was assigned this case on September 30, 2013; some six (6) months prior.

I asked about the three (3) photographs depicting a young female Hispanic found in his case file. He confirmed this was the female victim in this case. He made it a habit to print photographs of victims because oftentimes they will lie about their identity upon being contacted by law enforcement. This typically occurs when a victim later becomes reluctant to follow through with prosecution.

Investigator's note: With the exception of this case and the related case (case #5), none of the other 14 cases I examined contained photographs of their respective victims.

By his own admission, Subject Maddex had very little investigative activity documented in his case journal. This was due to the majority of his work being documented in the related case.

CASE #5

FILE NUMBER: 013-09870-1623-134

REPORT DATE: September 26, 2013

CLASSIFICATION: Person Annoying of Molesting Child, 647.6 (a)(1) PC (Misdemeanor)

CASE SYNOPISIS:

On September 26, 2013, a 17 year old female [redacted] was walking in the area of 228th Street and Kinard Avenue, Carson. A male Hispanic in a gold 4-door Honda drove alongside the victim, and thrust his exposed and erect penis out his driver's side window. The suspect then drove off but not before the victim recorded his

license plate. This episode occurred an hour after the events described in Case #4 and was likely the same suspect.

INITIAL OBSERVATIONS:

The case file contained loose papers with nothing affixed to the folder. The papers themselves were in no discernable order. The contents of the folder contained Detective Maddex's case journal; the first report; a supplemental report authored by the handling deputy; a Status of Investigation-Extension Advisory memorandum addressed to Lieutenant Bergner (90 days); color photographs of [redacted] (the presumed suspect); color photographic show-up arrays containing [redacted] photograph; color DMV photographs of a young Hispanic female (the presumed victim); criminal history reports of [redacted]; an Automated License Plate Reader (ALPR) photograph of the suspect vehicle; a blank and unsigned Photographic Show-Up Admonition and a blank and unsigned complaint refusal.

TIME LINE:

According to Detective Maddex's case journal, he was assigned the case on September 30, 2013. On November 30, 2013, he submitted a Supervisory Review requesting a 30 day extension on the case. The journal lists Sergeant Austin as being notified. There is also a 90 day extension listing Lieutenant Bergner as being notified and a 120 day extension listing Sergeant Austin as being notified.

INVESTIGATION:

It was clear Detective Maddex took investigative action but failed to list any of it in his case journal. It is also apparent the leads he developed in this case were the same those developed in Case #4. According to LARCIS, the case was closed on January 6, 2014, with a Case Status code of 212 (DA Reject) however there is no reject number listed under the court case field (even rejected cases receive a number from the court). Such a clearance automatically defaults the system to list the case as "solved." A check of the PIMS court tracking system however, showed no evidence of this case ever being presented to the District Attorney's Office.

FOLLOW-UP CRIMINAL INVESTIGATION:

Like Case #4, Sergeant Torres conducted a new investigation into this matter. The same suspect in that case was linked to this one as well. Sergeant Torres was unable to locate the victim in this case however, he made contact with a family member who was less-than cooperative. He interviewed the same suspect from case #4 but was unable to illicit any incriminating statements. Due to these circumstances and the fact the case was out of statute, it was not presented to the District Attorney's Office for filing consideration.

SUBJECT / WITNESS INTERVIEWS:

WITNESS MICHAEL D. AUSTIN

I pointed out that although there was strong indications this case was linked by suspect to case #4, unlike that case, this case was marked, "active." I then showed Witness Austin Subject Maddex's case journal entry of November 30, 2014, which referenced Witness Austin as the supervisor being notified of the case's extension to 60 days. Witness Austin had no specific recollection of this notification but recalled having conversations with Subject Maddex about the case itself. He elaborated further on this point:

> *"And if it was open at 60 days, there would have been a discussion about what the status of this case was. I have a vague recollection of him telling me that the victim—who I believe was a juvenile in this case—was extremely flakey and was more concerned about her parents finding out she was involved in some sort of situation where she wasn't supposed to be. And I believe I directed Detective Maddex to come up with a plan as to how he was going to deal with this; and based on the fact that she was a juvenile, it would probably be best to go speak to her parents."*

I asked Witness Austin if he was ever notified at the 60, 90, and 120 day case extension marks as stated in Subject Maddex's case journal:

> *"Absolutely not. Because after 90 days, I would have been, for lack of a better term, 'up in his business' seriously trying to figure out why this case wasn't finished. It seemed pretty simple. There was some identifying vehicle information which appeared to me should have led him directly to a suspect or put him on the hot trail of a suspect. It was unacceptable: To look at this case journal and see no case activity being logged is just unacceptable and he knew that. I would have that approach with him."*

I asked if Subject Maddex ever updated him on the status of this investigation. Witness Austin recalled such a conversation at the case's 60 day mark. In that conversation, Subject Maddex informed Witness Austin of the difficulties he was having with the victim with respect to her lack of cooperation.

I then showed Witness Austin the LARCIS case closure screen for this case that indicated the case was closed on January 16, 2014, as a "DA reject." I asked Witness Austin if he recalled this case ever being presented to the District Attorney's Office for filing consideration. To this, Witness Austin responded, "I have no knowledge of him presenting this case to the District Attorney's Office and I could tell you he did <u>not</u> present this case file to me for review either."

Because the case was closed on January 16, 2014, in LARCIS, Witness Austin had no idea Subject Maddex was still actively investigating this case beyond that date.

WITNESS CHRISTOPHER BERGNER

I showed Witness Bergner Subject Maddex's case journal entry of December 30, 2013, purportedly notifying him of the case's 90 day extension. Witness Bergner recalled receiving no such notification. Witness Bergner also had recollection of receiving Subject Maddex's 90 case extension memorandum. He never saw it prior to this interview and like the other memos, it did not bear his stamp of approval.

I showed Witness Bergner the LARCIS case closure screen printout which showed this case closed as a "DA reject." Witness Bergner, at my request, read aloud this case closure code (070) and its definition (DA Reject) as it appeared on the screen. He also noted that no number appeared in the court case number field on the screen.

WITNESS RICHARD TORRES

As stated here previously, Witness Torres was asked to reinvestigate this case. Like Subject Maddex, he too had trouble locating the victim and her level of cooperation was in question. Witness Torres was able to make contact with the victim's [redacted]. To her knowledge, her [redacted] had never had direct contact with Subject Maddex. Also, like the victim in Case #4, Subject Maddex's business card appeared on their door in March of this year (2015).

SUBJECT RYAN MADDEX

Subject Maddex recalled this case. Like the previous cases we discussed, he admitted that he never made supervisory notifications about the case's status as listed in his case journal. The same was true for the 90 day memorandum.

I pointed out that the case closure screen listed January 6, 2014, as the date the case was closed. Subject Maddex confirmed he closed the case on that date in LARCIS. Again, Subject Maddex stated this is the date he *projected* the case to be closed. The case closure code he inputted suggested the case was rejected by the District Attorney's Office. Subject Maddex admitted to me however, that he never presented this case to the District Attorney's Office for filing consideration.

Subject Maddex went onto say that he identified a possible suspect based on the license plate information provided by the victim. I asked if he made any attempt to locate the suspect in this case to which he responded:

> *"Just on the preliminary workup that I had done on this case. And I might have -- and because I don't have a -- because my case activity log is incomplete and coupled with my transition to OSS, I believe I may have run this guy in Palantir, but I -- I can't be certain. I believe -- to the best of my recollection, I*

think I ran these cases by Rose, who is our Detective Bureau's 290 registrant secretary, and nothing -- nothing had popped up with this guy or this MO."

Investigator's note: Subject Maddex referenced his transition to OSS. This transition occurred over six (6) months after he was assigned this case.

Subject Maddex confirmed the possible suspect in this case was named [redacted] who was also listed as the registered owner of the suspect vehicle.

I asked about the presence of a photograph of a teenage female Hispanic located in his case file. I asked if it was the victim in this case. He confirmed it was and added:

> *"Just so I knew who I was speaking to when -- when I did do the field work. A lot of times, younger people, they lie to officers and detectives. So that's happened to me, and it's backfired. So now I, you know, make a copy of the victims' pictures, so I know who I'm talking to, or I know who I'm looking for."*

I asked Subject Maddex if he ever made contact with this victim or the victim in Case #4. He stated he did not contact either victim. I asked if he had difficulty locating either of these victims to which he replied:

> *"It's not in my case notes, but I recall calling the victims. And to my best recollection, I remember calling the victims. There was no answer. I remember -- I remember when I was ready to go to the high school because the -- you know, the high school's the best place to pinpoint a juvenile because for the most part, they're there. And I remember preparing to go to Carson High School and then being reminded that it was Christmas break, so I did not."*

Investigator's note: This fleeting attempt to locate a victim occurred six (6) weeks after he was assigned the case.

Sergeant Botello asked Subject Maddex if he closed his case as a District Attorney reject based on his projection as such due to his inability to locate the victims in these cases. His response:

> *"No. Just from what I stated before, nine times out of ten, victims aren't desirous. So on the premise that -- from a DA's standpoint, if you have a victim that's non-desirous and non-cooperative, most of the time it's a -- it's a reject. So that's the only reason I projected that. However -- however, in this particular case -- and this is -- we're talking about [redacted] In this particular case, she was able to see the suspect's face, and I believe she was asked if she'd be able to identify. On the last case, case number four, [redacted] didn't -- based on the report, it didn't seem like she saw the suspect's face. So, you know, I think I confused the two cases. And if I was going to project a DA reject, it would have been on [redacted] because she hadn't seen*

the -- she hadn't seen the suspect's face. On this one, it was, you know -- that was it."

I again asked Subject Maddex if he had ever made contact with either of these victims. He responded with a lengthy explanation of how he attempted to locate both of these victims on March 10, 2015 (now 18 months after he was assigned the case) but was unsuccessful.

CASE #6

FILE NUMBER: 013-11867-1699-050

REPORT DATE: November 22, 2013

CLASSIFICATION: Spousal Assault, 273.5(a) PC (Felony)

CASE SYNOPSIS:

A female victim ([redacted]) was riding in the passenger seat of a Chevy Tahoe being driven by her [redacted] (Suspect [redacted]). [redacted] assaulted her while the two were travelling on the 405 Freeway. The two continued south to an area somewhere in Orange County where the two exited the Tahoe. The victim was thrown to the ground and kicked in the stomach and back. The victim managed to get off the ground and commandeer the Tahoe and escape; leaving the suspect behind. The victim did not report the assault for nearly seven (7) days.

When the victim reported the incident, she turned over items belonging to the suspect left behind in the Tahoe. Amongst them was a firearm registered to an officer from the Los Angeles Airport Police Department. The officer was not considered a suspect in this investigation. The presence of this weapon was later investigated further by Sergeant Binion. As of June 2, 2015, the weapon had remained in evidence since November 21, 2013.

INITIAL OBSERVATIONS

The case file contents were fastened in place by a two-hole clasp on the folder's right side. Its contents were in no discernable order. The case journal was affixed to the left side of the folder as required. Atop the file contents was an Adult Subsequent Disposition Sheet (a District Attorney filing sheet) for [redacted], however there is no evidence the case was ever presented to the District Attorney's Office. There was no case closure supplemental report nor were any supplemental reports authored by Subject Maddex present in the case file.

A criminal work-up of the suspect was conducted as evidenced by a recent booking photo and criminal history report. A supplemental report authored by then Carson

Narcotics Bureau Sergeant [redacted] is present which documents her notifying a Los Angeles Airport Police Department supervisor about the recovered firearm. Also present is an Incident Report out of Lomita Sheriff's Station under file number 014-00777-1712-050 documenting another domestic violence incident involving the same victim but different suspect. A case extension advisory addressed to Lieutenant April Tardy (former Carson Station Detective Bureau Commander) dated February 22, 2014, is present notifying her of the case's 90 status.

TIME LINE:

Subject Maddex's case journal shows he performed investigative tasks from November 22, 2013, (the day he was assigned the case) until December 10, 2013. On January 22, 2014, he documented a 60 day case extension wherein he listed Sergeant Austin as being notified. On February 22, 2014, he documented a 90 day case extension with Lieutenant April Tardy listed as being notified.

INVESTIGATION

According to LARCIS, this case was closed February 25, 2014, with clearance codes 214 (victim refuses to cooperate) and 061 (case not referred to prosecutor's office). With the absence of a supplemental report or signed complaint refusal form, it is not known why the case was closed with such a clearance.

FOLLOW-UP CRIMINAL INVESTIGATION:

On March 19, 2015, this case was re-opened by Carson Station Detective Bureau Sergeant Fred Binion. He attempted to locate the suspect but was unsuccessful. On March 28, 2015, he interviewed the victim who expressed her unwillingness to prosecute in this matter. On April 3, 2015, he met with the victim in person at Carson Station. She reiterated her unwillingness to prosecute and signed a complaint refusal form to this effect. Lastly, upon being asked by Sergeant Binion, the victim, up until this interview, had not been contacted by an investigator since the day the first report was taken.

He then contacted Officer [redacted] from the LAX Police Department. Officer [redacted] firearm was the weapon turned over by the victim. Officer [redacted] loaned the firearm to his [redacted] (the suspect) because he was interested in buying it. Officer [redacted] advised Sergeant Binion that he did not want his firearm returned to him and authorized its destruction.

SUBJECT / WITNESS INTERVIEWS:

WITNESS MICHAEL D. AUSTIN

Witness Austin was shown Subject Maddex's case journal entry of January 22, 2014, which purportedly informed him of the case's extension to 60 days. Witness Austin did

not specifically recall receiving such a notification but did recall the case itself. He also recalled Subject Maddex having difficulty locating the victim who was a known drug user prone to a transient lifestyle that included living in various motels.

Although Subject Maddex frequently updated Witness Austin on the status of the case, the closed case file never came to him for final approval.

WITNESS APRIL TARDY

Witness Tardy was shown Subject Maddex's case journal entry of February 22, 2014, which read, "Supervisory Review, Lieutenant Tardy notified." She was asked if she ever received such a notification. She said she had not.

She was then shown a memorandum dated February 22, 2014, which was located within Subject Maddex's case file. The document was written by Subject Maddex and addressed to Witness Tardy. This memorandum was a notification informing Witness Tardy that the case was open beyond 90 days. Witness Tardy said she never received this memorandum. Also, it was standard practice for her to initial such documents on the bottom of the page or directly above her printed name. Witness Tardy was asked if such notations were present on this memorandum. She indicated none were present.

WITNESS FRED BINION

According to Witness Binion, Subject Maddex never made contact with the victim. He also never presented this case to the District Attorney's Office. Witness Binion however, *did* present the case only to have it rejected due the inability to ascertain where the crime actually occurred; the credibility of the victim was in question; and the inordinate amount of time that had elapsed from the date of the incident to the date it was presented.

SUBJECT RYAN MADDEX

Subject Maddex recalled this case. He admitted that the journal entries regarding supervisory notifications were false. I showed him the court filing paperwork found in his case file and asked if he ever actually presented this case to the District Attorney's Office:

> *"I did not present it. And just to clarify, kind of, this foreign paperwork -- I believe when Sergeant Ramos spoke to me on March 10th, he had given me the advice to just file on the first on this. So I believe I delegated OSS Detective Monica Kitchin to -- I said, "Hey, I need some help. I got to go do all this field work on my*
>
> *DB cases. Can you do a case filing for this?" And that's why -- that's why it's in here. But I never -- to answer your question, it never made it to the DA's Office."*

He added to this saying he had every intention of filing the case and had the filing paperwork filled out by his OSS colleague, Detective Monica Kitchin. The case was never filed because of the order given on March 10, 2015, to cease all investigative activities on it due to the pending investigation.

Subject Maddex admitted to inputting Sergeant Austin's name in the approving supervisor's field on the LARCIS case closure screen and doing so without Sergeant Austin's knowledge.

Subject Maddex did little follow-up regarding the gun recovered in this case except for learning that the LAX Police Department officer to whom the gun was registered was the [redacted] of the suspect. Subject Maddex never made direct contact with this officer but did contact his watch commander who requested updates on future developments in the case. This watch commander never received any updates because the investigation into the case stalled.

Lastly, Subject Maddex never submitted this case to a supervisor for final review.

CASE #7

FILE NUMBER: 914-00104-1620-042

REPORT DATE: January 3, 2014

CLASSIFICATION: Robbery (Estes), 211 PC (Felony)
Assault with a Deadly Weapon (Shod Foot), 245(a)(1) PC

CASE SYNOPSIS:

Two male Hispanics entered a liquor store and stole an 18 pack of beer. The store's owner (victim [redacted]) attempted to stop them. He was beaten and assaulted in the store's parking lot by the two suspects. The suspects fled on foot leaving the beer behind. During the attack, the victim was kicked in the head with shod feet by one or both of the suspects. He received several injuries to his head and face requiring a CT scan to his brain.

INITIAL OBSERVATIONS:

The file contained loose papers with nothing affixed to the folder. The file contained the first report, a separate report dated November 30, 2012, under Carson Station file number 912-12680-1620-152 (same victim from the same store was sprayed with OC spray by a female Black; the case does not appear to be related), a copy of the victim's medical bill, 18 color photographs depicting the victim's injuries while lying in a hospital bed, a handwritten letter addressed to Carson Station from the victim providing possible workable suspect information, handwritten notes (unknown author) listing possible

suspect names of students attending Carson High School in 2012, and an envelope marked "14-00104 pics" containing two CDs: one marked "DA Copy" the other marked "Defense Copy."

TIME LINE:

There is no case journal present in the case file. According to LARCIS, the case appears to have been assigned to Subject Maddex on January 21, 2014. This inquiry also revealed the case has remained open since that date but was never marked "Active."

INVESTIGATION:

On March 16, 2014, the victim authored a handwritten letter which he mailed to Carson Station. In it, the victim described conducting his own investigation into the robbery and learned the first names of the possible suspects who attended Carson High School. Additionally, he provided the address of what he believed to be the suspect in the OC spray incident from 2012. Within Detective Maddex's case file was a piece of notebook paper with the handwritten title of "2012 yearbook." Beneath this title appeared a list of names broken down by grade. It would appear Subject Maddex began to actively pursue the leads provided by the victim but never followed through with any type of photographic line-up.

There is no evidence Subject Maddex conducted any follow-up with the information regarding the 2012 OC spray assault incident; although he did take the time to print a copy of that report.

FOLLOW-UP CRIMINAL INVESTIGATION:

Carson Sergeant Jeffrey Fleming reopened this case on April 1, 2015. On April 29, 2015, he contacted the victim at his residence in Gardena. The victim has since sold his store and made it very clear he was uninterested in any type of criminal prosecution. He also signed a complaint refusal form to this effect.

The victim took this opportunity to voice his displeasure with Carson Station personnel as a whole. The slow response to this criminal case was a primary reason.

SUBJECT / WITNESS INTERVIEWS:

<u>WITNESS MICHAEL D. AUSTIN</u>

Witness Austin recalled this case because he was appalled at the extent of the injuries sustained by the victim. Although the case was pending (he reviewed <u>all</u> cases no matter if they were marked "pending" or "active"), he gave the report to Subject Maddex and asked that he contact the victim in hopes of gathering any type of workable information. Subject Maddex worked the case and expressed his frustration at the poor

attitude shown by the victim. From what Subject Maddex gathered, the victim had a very low opinion of the Sheriff's Department from a culmination a prior negative contacts.

I asked about the letter sent by the victim which contained possible workable information. Witness Austin recalled receiving this letter and also remembered giving it to Subject Maddex. I asked if he felt confident that Subject Maddex would follow-up on the possible leads in the letter to which he replied, "He never gave me any indication he wouldn't follow up on something that I asked him to follow-up on."

Lastly, Witness Austin could not say with any degree of certainty whether Subject Maddex did, or did not follow-up on the information outlined in the victim's letter.

WITNESS APRIL TARDY

This case was assigned to Subject Maddex before Witness Tardy's assignment to Detective Bureau. She was asked if she was ever made aware of this case given the serious and violent nature of the crime. She said she was not. I asked her if she was ever made aware of the letter the victim sent to the station. She said she was not.

WITNESS JEFFREY FLEMING

Witness Fleming reopened this case and investigated the first name leads provided by the victim in his letter. By cross referencing these names with a 2013 Carson High School yearbook, he identified several students with the same first names who also bore resemblances to the suspects.

On April 30, 2015, Witness Fleming responded to the victim's home with the intention of showing these photographs to the victim. The victim however, made it abundantly clear he was no longer desirous of prosecution. The longer the interview went, the more the victim's frustration began to manifest. Witness Fleming commented to this point by saying the victim "got angry about the lack of service we provided him." The victim had since sold his store and began retirement. The victim signed a complaint refusal at the end of this contact.

Without the victim's cooperation, Witness Fleming was forced to close the case due to this and a lack of workable information.

Lastly, Witness Fleming used the word "disdain" to describe the feeling and sentiment the victim harbored toward Carson Station and its personnel.

SUBJECT RYAN MADDEX

Subject Maddex recalled this case and receiving the letter from the victim. I asked Subject Maddex to describe his contact with the victim:

"Well, when I first went in, knowing that the -- knowing that it was a pending case; knowing that there's no absolutely no workable information; knowing that his surveillance cameras were not working; knowing that by looking up at these other cases that the surveillance cameras still weren't working back in when those crimes were committed, I expected him to either sign a victim's refusal form; that he wasn't desirous, or I was just going to explain to him that there's nothing we can do. I went into the -- I went into his liquor store shortly after I was assigned to it -- assigned the case, and I asked him about the cameras. He confirmed that they did not work. And he was telling me about his injury to his eye. And basically, I spent about -- I don't know -- maybe 15, 20 minutes him as he recalled the incident exactly how it appeared in the report. And as I was getting ready to leave -- I believe I left my business card. As I was getting ready to leave, he said, 'My family's very upset that nothing's been done on this case or any of these other cases.' And I engaged him in that, and he said, 'My -- you know, my [redacted] is an attorney. She went to' -- I want to say she went to Harvard. 'She's very upset that nothing's been done.' That -- those statements made by Mr. [redacted] kind of stopped me in my tracks, like -- you know, I felt compelled from that point to try to do something with these two names, even though it's a needle in a haystack, which is the reason why I hung on to this case. I -- it's in my case notes. I had come up with a sheet because Carson OSS has a bunch of yearbooks listed in the trailer. I went through Carson High School and found -- I found a couple [redacted] and no [redacted] And this was my needle in the haystack. To my recollection, I punched in the names [redacted] and [redacted], Carson -- certain fields within Palantir, which was a new technology to detectives at the time, and it was too -- it was too vague of information. In addition to Mr. [redacted] saying that he knew the first two names, I asked him 'Well, who gave you this information as of the two names?' He wouldn't give me the name of that source because he wanted protect him. He said this person was like a son to him, and he didn't want to get him in trouble because this person that gave him that information has been in trouble with the law. 'Okay. You know, I'll do my best.' So this is as far as I got. To my recollection, I may have run these two guys in CalGangs in the Carson area. Still, nothing came up. Everything was very vague. March 10th -- this is one of the cases -- March 10th, 2015 -- this is one of the cases that I brought to the attention of Sergeant Ramos. And he -- he suggested -- man, he was -- he seemed distraught about the victim's injuries in the color photos that I have in my case file. He said -- his suggestion was to bring the [redacted] in for a meeting and say 'Look, we have nothing. What do you want us to do? What are your expectations?' So I had planned to do that. And a day before, I believe it was March 9th, I was working overtime at Carson Station. I went to the liquor store to find out that Mr. [redacted] -- or Mr. [redacted] had retired three months earlier. The new business owner told me that he had retired. I went to his house. I expected to close it out then and there, once and for all, and he was still desirous. He still mentioned his [redacted] And I -- I basically didn't know what to do at that point. That's why I required the advice of Sergeant Ramos the next day. And, you know, I -- I just felt inclined to do something for this guy, even though it was an impossible task. And that's it."

Subject Maddex went on to describe the difficulties he had in identifying suspects known only be their very common first names. The case was never solved nor made active.

CASE #8

FILE NUMBER: 014-02314-1617-146

CLASSIFICATION: Assault Likely to Produce Great Bodily Injury, 245 (a)(4) PC (Felony)

REPORT DATE: March 9, 2014

CASE SYNOPSIS:

A Female victim ([redacted]) was assaulted by her estranged [redacted] ([redacted]) after he was released from prison.

INITIAL OBSERVATIONS:

The case file contained loose papers with nothing affixed to the folder. There was no case journal. The first report along with the original investigative supplemental report prepared by Subject Maddex were present. An additional copy of that supplemental report was also present. Also present was a misdemeanor complaint for the suspect filed by the District Attorney's Office under case number 5CP00635 which was dated and time stamped February 6, 2015, at 1:20PM.

TIME LINE:

According to LARCIS, Subject Maddex was assigned this case on March 13, 2014. His supplemental report indicates he conducted follow-up on May 30, 2014, where he drove to the victim's house and interviewed her. During this interview, the victim signed a complaint refusal. On that date, he notified the Department of Children and Family Services due to the presence of children at the time of the assault. It appears a warrant filing was sought by Subject Maddex on January 2, 2015 (this date was found handwritten on a Case Tracking Report affixed to Misdemeanor Complaint). A warrant filing was obtained and filed by the clerk's office at Compton Superior Court on February 6, 2015, under case number 5CP00635.

INVESTIGATION:

Subject Maddex never cleared this case in LARCIS despite his criminal investigation having been handled to conclusion. A check of the Sheriff's Electronic Criminal Documents Archive (SECDA) revealed the original supplemental report authored by Subject Maddex was never scanned or processed. This report displayed a signature by

Detective Monica Kitchin from Operation Safe Streets Bureau as the approving supervisor.

Subject Maddex's supplemental report indicates he notified the Department of Children and Family Services (DCFS) of this incident with a Suspected Child Abuse Report

(SCAR) #1166-1285-5537-8074704 being generated as a result. I was able to obtain a copy of this report and saw that Subject Maddex's account was accurate in this regard. A notification such as this is mandatory when children are present during a domestic violence incident, however the victim concealed the fact she had a child in common with the suspect from the handling deputies. On May 30, 2014, Subject Maddex contacted the victim and among other things, learned they had a child in common. It was not until June 26, 2014, however, that he notified DCFS of this revelation.

FOLLOW-UP CRIMINAL INVESTIGATION:

This case was reinvestigated by Sergeant Richard Torres. He learned the victim was serving a jail sentence for taking a vehicle without the owner's consent and was housed at the Century Regional Detention Facility (CRDF). He interviewed the victim there who made it known she was still non-desirous of prosecution against her estranged [redacted]

She recalled being contacted by Subject Maddex on or about May 30, 2014, and that she signed a complaint refusal on that date. Sergeant Torres showed her a copy of the refusal and she confirmed the signature on the form was hers. He then showed a booking photograph of the suspect which had her initials on it along with a handwritten date of May 30, 2014. She denied these initials were hers. Sergeant Torres asked the victim to both sign and initial a blank piece of paper. He compared the initials on this paper to the ones appearing on the booking slip and concluded they matched. Sergeant Torres felt the victim was being deceptive regarding the booking photograph initials due to her continued insistence that she was non-desirous of prosecution.

Sergeant Torres ran a criminal history check of [redacted] and found that he had seven (7) felony arrests since this incident was reported.

On March 23, 2015, this case was ultimately dismissed by the presiding judge because of the victim's unavailability, the handling deputies could not recall the events of the case*and the court was unable to locate Subject Maddex in time to testify.

SUBJECT / WITNESS INTERVIEWS:

LIEUTENANT APRIL TARDY

When asked, Witness Tardy did not recall if she ever saw this case appear on her 30/60/90 days LARCIS case management report.

DETECTIVE MONICA KITCHIN

Witness Kitchin was shown a supplemental report from this case authored by Subject Maddex. She acknowledged being the approving supervisor for this report.

SUBJECT RYAN MADDEX

I asked Subject Maddex to explain why it took him over 11 months to file this case with the District Attorney's Office to which he replied:

> *"Yeah. March 11th -- my last day at -- at -- my last day at Carson DB was, I believe, April 3rd, April 4th. So the delay was I was transferred to another bureau. I was working OSS at this time."*

CASE #9

FILE NUMBER: 014-02400-1624-054

REPORT DATE: March 11, 2014

CLASSIFICATION: Assault with a Deadly Weapon by Means Likely to Produce Great Bodily Injury, 245(a)(1) PC (Felony)

CASE SYNOPSIS:

The suspect ([redacted]) is a heavy methamphetamine user. His adult [redacted] (the victim, [redacted]) was at home in her garage concealing a new set of speakers from her [redacted] who was en route to the home. Because of her [redacted] heavy methamphetamine use, she was fearful he would steal the speakers and sell them for drug money.

The suspect arrived at the home and soon discovered his [redacted] attempt to conceal the speakers from him. An argument ensued between the two with the suspect head-butting the victim in the face. The victim sustained moderate facial injuries as a result. The suspect quickly fled the area before deputies arrived.

INITIAL OBSERVATIONS:

The file contained loose paperwork that was not affixed to the folder. No case journal was present. The file's contents were as follows:

- Two (2) copies of the first report
- Two (2) copies of a supplemental report authored by Subject Maddex
- Four (4) photographic show-up arrays containing the suspect

- One (1) original and one (1) copy of a photographic show-up admonition signed by the victim
- One (1) original and one (1) copy of a photographic show-up admonition signed by the witness
- One (1) recent color booking photo of the suspect
- One (1) copy of a Felony Complaint for Arrest Warrant issued for the suspect by Compton Superior Court under court case number TA136743.

TIME LINE:

According to LARCIS, Subject Maddex was assigned this case on March 18, 2014. According to his supplemental report, it appeared he took no investigative action until February 22, 2015, the date of the report, but the report documented photographic show- ups which had actually been done on May 30, 2014, though that was not clear in the report.

INVESTIGATION:

As stated above, it appeared as though Subject Maddex took no investigative action on this case for nearly a year. On May 30, 2014, he showed photographic show-ups containing a photograph of the suspect to the victim and a witness: both of whom made positive identifications. After that, there was no evidence of activity on the case until February 24, 2015, when the case was presented to the District Attorney's Office for warrant filing consideration and one felony count of 245(a)(4) PC was filed. Because the suspect had prior convictions for serious/violent felonies, a warrant was issued with a bail amount of $90,000 as a result of this case. This warrant was issued on March 26, 2015. According to a LARCIS inquiry conducted on April 1, 2015, this case remained open and still assigned to Subject Maddex.

FOLLOW-UP CRIMINAL INVESTIGATION:

Sergeant Torres reopened this investigation on April 3, 2015. On April 9, 2015, he contacted the suspect's [redacted] who also witnessed the incident but was not located at the time of the first report. His observations were consistent with those reported by the victim in the first report.

Unbeknownst to Sergeant Torres at the time he reinitiated this investigation, Subject Maddex had already delivered this case with the District Attorney's Office on February 24, 2015, seeking a warrant filing. It was not until after Subject Maddex was relieved of standard duty in March, 2015, that the case was filed for warrant by the District Attorney's Office.

SUBJECT / WITNESS INTERVIEWS:

WITNESS APRIL TARDY

When asked, Witness Tardy did not recall if she ever saw this case appear on her 30/60/90 days LARCIS case management report.

WITNESS RICHARD TORRES

Witness Torres contacted the victim and witness in this case who confirmed to him that Subject Maddex showed them photographic line-ups in May, 2014. When asked, witness Torres confirmed that the case was filed for warrant by the District Attorney's Office on March 25, 2015. From all indications, the filing paperwork for the warrant was delivered to the court sometime just prior to that date by Detective Maddex or by courier (it was not filed by Witness Torres).

Now wanted for a $90,000.00 as a result of this filing, Witness Torres began the process of tracking down the suspect, [redacted]. Using various resources, he located [redacted] in a motel in the city of Gardena. With the assistance of the Carson Station COPS team, Witness Torres conducted a surveillance operation of the motel. He eventually detained and arrested [redacted] in the hotel parking lot.

Upon doing so, Witness Torres recovered a stolen motorcycle found in the bed of [redacted] pickup truck. An acquaintance of [redacted], who was also detained during this operation, was found to be in possession of a saleable amount of methamphetamine. He too was arrested. Witness Torres obtained felony filings from the District Attorney's Office at Torrance Court for these additional crimes.

SUBJECT RYAN MADDEX

Subject Maddex recalled this case. I asked him why it took him nearly a year to file this case with the District Attorney's Office; particularly since he obtained witness and victim identifications nearly a year earlier:

> *"Chronologically, this was one of my last cases assigned to me while I worked Carson DB in April -- well, it was assigned to me in March 2014. In between being assigned to Carson OSS and from Carson DB, I went to a two-week [redacted] which filled in all my time between the gap between Carson DB and Carson OSS. My investigation was done on May 30th, which is significant to me because I was -- I was forced to take the month off of June because of an incident that happened with my [redacted] that was documented, and it was handled by DB Lieutenant April Tardy. So the delay from doing the actual field work to February 22nd had a lot to do with being, you know, removed from Carson Station, as a whole, for the good part of June. And then when I came back, I had to play catch-up with OSS duties, and that was the reason for the delay."*

Sergeant Botello asked Subject Maddex, if, upon return from his leave of absence, it ever occurred to him to make an arrest of this suspect since he had been positively identified:

> *"I think just for time constraints, I didn't have time to go be arresting DB suspects from my old caseload. So that's why -- I was going to submit it for a warrant, and that's why I did that. At one point, if I wanted an OSS, then I can arrest him on that, make it an OSS stat -- an OSS stat arrest. But I was planning on one, writing a supplementary report soon after the field investigation to get it off of my table; and two, you know, basically close it out."*

CASE #10

REPORT DATE: March 6, 2014

FILE NUMBER: 014-02196-1615-715

CLASSIFICATION: Suspicious Circumstances, Possible Elder Abuse (Fiduciary)

CASE SYNOPSIS:

The victim, an elderly female and recent stroke victim, was coaxed by the suspect (the victim's [redacted]) to purchase cars in the victim's name. Once these transactions were complete, the suspect would keep the cars (there were three (3) purchases in all). The vehicles were financed with each eventually being repossessed for lack of payment. The victim—due to her age and the aftereffects of her stroke—was not only unaware she was present for these purchases, but did not realize each car purchase was under her name. It was not until her [redacted] learned of the transactions that it was reported to the Sheriff's Department.

INITIAL OBSERVATIONS:

The file itself was a blank manila folder with only a file number written on its face. The protruding tab above the horizontal opening of the folder was blank (all other case files displayed a file number here). The file was also missing preprinted subject lines on its cover that lists among other things, the classification, file number and suspect/victim names (again, all other case files had such markings). The file contained loose papers consisting of the first report and a faxed Suspected Elder Abuse Report from Adult Protective Services (in duplicate). There was no case journal present.

TIME LINE:

There appears to have been no investigative action taken by Subject Maddex.

INVESTIGATION:

Per LARCIS, the case was assigned to Subject Maddex on March 11, 2014, at 1010 hours. A further check revealed this case was never closed or cleared per an inquiry conducted on March 18, 2015.

FOLLOW-UP CRIMINAL INVESTIGATION:

Carson Station Detective Bureau Sergeant Fred Binion reinvestigated this matter on March 11, 2015. He determined that no crime had occurred and all the parties in this matter are amicable.

SUBJECT/ WITNESS INTERVIEWS:

WITNESS MICHAEL D. AUSTIN

Witness Austin's personal log indicates he assigned this case to Subject Maddex however, he has virtually no recollection of this case.

WITNESS FRED BINION

Witness Binion was assigned to reinvestigate this matter and contacted the informant, [redacted] on April 9, 2015. Through his investigation, he learned that the informant's [redacted] (who was suspected of possible elder abuse) was in fact amicable with her parents and still came to their home regularly to assist with their living needs. Witness Binion was satisfied that no crime occurred and found that the possible victim, [redacted] was lucid and appeared very capable of making financial decisions.

Lastly, Witness Binion stated that none of the parties involved in this case were contacted by Subject Maddex or any other investigator.

SUBJECT RYAN MADDEX

Subject Maddex recalled this case and admitted he conducted no follow-up investigation into it. He was assigned this case near the time he was transferred to OSS and asked then-Carson Station Detective Bureau Sergeant, Doug Murakami to reassign this case:

> *This case was assigned to me a few weeks before I transferred to OSS, and looking at the notes that you provided me, there was no entry of this case in the CLEATS. I believe that wasn't just an oversight of the transition from DB to CLEATS; however, in July of 2000 -- well, to the best of my recollection, in July of 2014, I gave this case and my whole case folder, with an additional approximate four cases that were elderly-abuse specific. Elderly abuse, to me, means long, extensive investigations, especially one that's -- paper crimes. I gave these five cases, including this one to Sergeant Doug Murakami, to reassign, because I had*

done nothing on those cases, I wasn't vested in them, and I gave him those cases to be reassigned.

Investigator's note: In an interview with Sergeant Murakami, he stated this conversation never occurred nor did he ever receive any case files from Subject Maddex.

CASE #11

REPORT DATE: July 5, 2013

FILE NUMBER: 013-06815-1615-054

CLASSIFICATION: Assault Likely to Cause Great Bodily Injury, 245(a)(1) PC (Felony)

CASE SYNOPSIS:

The victim, a former police officer from the now defunct Los Angeles County Police Department, was in front of his [redacted] home in Carson opening a car door for her. He was approached by three (3) males. Out of these three (3) males, two (2) began punching and kicking the victim. During the assault, one of the suspects uttered, "Do you remember me?"

The victim recognized one of the suspects as [redacted]. Prior to this incident and while off duty, the victim served [redacted] with a restraining order on behalf of a female acquaintance. This acquaintance was romantically involved with [redacted].

In reviewing three (3) additional reports from Compton Station, the victim's home had been burglarized with the suspects spray painting derogatory terms such as "bitch ass nigga" on the walls inside his home. In another instance, his house and vehicle windows were smashed and in yet another instance, his home was shot at. With the exception of the residential burglary, these reports were marked pending and in each instance, the victim stated he did not know who was responsible. All of these incidents, including the assault in Carson, occurred in 2013.

INITIAL OBSERVATIONS:

The file contained loose paperwork in no discernable order. Nothing was affixed to the folder. Its contents were as follows:

- Case Journal
- Status of Investigation-Extension Advisory Memorandum dated October 8, 2013, addressed to Lieutenant Bergner
- The first report

- Related report 913-16447-2830-067
- Related report 913-06556-2830-263
- Related report 013-06557-2830-051
- Supplemental report authored by Subject Maddex
- 2 color booking photographs of [redacted]
- Photographic Show-Up Admonition signed by the victim
- Photographic Show-Up array with suspect photograph circled and initialed by the victim
- District Attorney Charge Evaluation Sheet (reject) and associated paperwork
- Manila envelope containing CDs

TIME LINE:

According to LARCIS, this case was assigned to Subject Maddex on July 9, 2013, at 0834 hours. The following entries are noted in the case journal:

- July 8, 2013—Ack/Reviewed case
- July 16, 2013—CARP
- July 16, 2013—Field Investigation (met with victim and showed photo show-up)
- September 8, 2013—Supervisory Review (60 days; Sergeant Austin Notified)
- September 30, 2013—Field Investigation (evidence pick-up at STARS Center)
- October 1, 2013—Administrative (Had handling deputy load files on a CD—original in evidence was blank)
- October 8, 2013—Supervisory Review (90 days; Lieutenant Bergner notified)
- October 11, 2013—Administrative (suspect work-up)
- November 8, 2013—Supervisory Review (120 days; Sergeant Austin notified)
- December 8, 2013—Supervisory Review (150 days; Sergeant Austin notified)
- January 8, 2014—Supervisory Review (180 days; Sergeant Austin notified)
- February 8, 2013—Supervisory Review (210 days; Sergeant Austin notified)

No further journal entries are noted.

INVESTIGATION:

According to LARCIS, Subject Maddex closed this case on September 19, 2013, with clearance codes 220 and 010: *Felony Filed, warrant obtained, Adult Suspect, whereabouts unknown.* In reviewing the Charge Evaluation Sheet from the District Attorney's Office however, the case was not presented until February 24, 2015. On the Charge Evaluation Sheet, Deputy District Attorney Edwin Wakabayashi noted the incident occurred on July 5, 2013, but the case itself was not submitted until February 24, 2015. The case was rejected due to the unavailability of a corroborating witness. Deputy District Attorney Wakabayashi made note of the time delay in filing the case but did not specify if that factored in his decision to reject it. The fact that this case was rejected by the District Attorney's Office is in conflict with Subject Maddex's LARCIS clearance stating a felony filing was obtained.

Subject Maddex's case journal suggests he continued investigatory measures after the closure date of September 19, 2013, when the case was purportedly presented to the District Attorney's Office.

Because this case was closed on September 19, 2013, it would not appear on a supervisor's case management report as exceeding 90 days.

FOLLOW-UP CRIMINAL INVESTIGATION:

This matter was reinvestigated by Sergeant Torres on May 6, 2015. He spoke to the victim on that date who confirmed he was only contacted once by Subject Maddex. This was on July 10, 2013, when Subject Maddex presented the victim with a photographic show-up array; on which the victim made a positive identification of one of the suspects. This was the only time the victim was contacted by an investigator.

Sergeant Torres and I met personally with this victim who was reticent to get either his [redacted] or [redacted] involved in this matter.

Sergeant Torres discussed this case with Deputy District Attorney Edwin Wakabayashi who rejected the case previously. He maintained this position because no corroborating witness was willing to come forward.

SUBJECT / WITNESS INTERVIEWS:

<u>WITNESS MICHAEL D. AUSTIN</u>

Witness Austin recalled assigning this case to Subject Maddex. I read aloud Subject Maddex's case journal entry of September 8, 2013, purportedly informing Witness Austin that the case had reached the 60 day mark. He did not specifically recall this notification but did remember having conversations with Subject Maddex about this case. It was possible that one of these conversations pertained to the case's 60 day status.

I also read aloud entries from Subject Maddex's case journal that listed 60-210 day case extensions, each in 30 day increments and each purportedly notifying Witness Austin of each extension. I asked Witness Austin if he recalled receiving these notifications to which he responded, "Absolutely not. It would not have been acceptable for this case to have remained open for those lengths of periods of time."

We discussed the red markings appearing on the top of the first report. Witness Austin confirmed that the writing was his. It was commonplace for him to mark pending reports with an investigator's name, hand it to an investigator with the intention of the investigator looking at it to perhaps develop workable information or link it to other cases. If such a scenario played out, it was expected that the investigator would change the case status to "active."

I asked Witness Austin if this case was ever changed to "active." He did not recall, however he referenced the LARCIS case closure screen during this interview and found that it was "active" but closed. He took special note that once again, like many others, this case was closed on September 19, 2013. He also read aloud the clearance status which stated this case was closed with a felony filing and a warrant obtained through the District Attorney's Office.

I pointed out that Witness Austin's name appeared on the bottom of the LARCIS case closure screen as the approving supervisor. He said this was placed there without his knowledge.

Lastly, he said this case would not appear on his 30/60/90 case management report while it remained as a "pending" case status.

WITNESS CHRISTOPHER BERGNER

I showed Witness Bergner Subject Maddex's case journal entry of October 8, 2013, where he was purportedly notified of the case's 90 extension. Witness Bergner recalled receiving no such notification. Prior to this interview, Witness Bergner had never seen Subject Maddex's 90 case extension memorandum.

WITNESS APRIL TARDY

When asked, Witness Tardy did not recall if she ever saw this case appear on her 30/60/90 days LARCIS case management report.

WITNESS RICHARD TORRES

Witness Torres corroborated much of what appeared in his supplemental report. During our interview, he once again confirmed that this case was already submitted to the District Attorney's Office by Subject Maddex prior to it being reopened by Witness Torres.

SUBJECT RYAN MADDEX

Subject Maddex recalled this case and admitted that he never made the case extension supervisory notifications as listed in his case journal. He also admitted authoring the 90 day memorandum addressed to Lieutenant Bergner but never actually submitting it to him.

I presented Subject Maddex with the LARCIS case closure screen printout for this case. I asked him to read aloud the closure date of September 19, 2013, as well as the case status disposition code (it was 220). He did so and anticipated my next question saying:

> *"It was a 220, and I can kind of clarify how my original explanation on one of my past cases, how, if you highlight the case status code and you don't hit tab, which*

I obviously didn't do here before I printed it out, because this one that I signed with my -- with my LARCIS entry right here, this was maintained in my case file. So obviously, when I put the 220 in there, I didn't hit tab; otherwise, it would have done what you did. So that kind of tells me on April 23rd, if this was highlighted and accidentally tabbed, is why it carried over. Do you see what I mean?"

LARCIS closure code 220 is defined as *Case cleared, adult arrested.* I asked if he inputted code 220 himself:

"I did. And I think it's important to point out that the description listed under 220 doesn't match 220. The description is a definition of 120, and it kind of goes back to when I took – "Don't 120 your cases" literally, that's what I did. I had a 120 and I changed it to 220, or there was a 120 there; I don't know. But that tells me -- kind of goes along with the explanation."

I asked him if he inputted code 220 but the definition of 120 (no further workable information) appeared instead:

"Yeah, exactly. So basically, from looking at this, on September 19th, 2013, I entered a 220, but I made the mistake of not hitting enter, so it kept the no further workable information definition. And around this date when I was told, 'Don't 120 your cases,' explains the reason why there was a 220 over the 120, the previous 120 explanation."

Upon reading the screen further, he had this to add:

"Based on the time stamp, because what didn't change is the participant dispo code down here at bottom of 10. That basically means I was intending to file for a felony warrant."

Subject Maddex admitted to inputting Sergeant Austin's name as the approving supervisor in the LARCIS case closure screen without his knowledge.
I then directed his attention to a document titled *Los Angeles County District Attorney Charge Evaluation Worksheet* that was found in his case file. This document showed the case was presented—and ultimately rejected—by the District Attorney's Office on February 25, 2015. Subject Maddex acknowledged filing the case on or near that date. I then asked why it took nearly two (2) years to present this case to the District Attorney's Office for filing consideration:

"Well, from the time it was assigned to me, to the time that I transferred to OSS, I believe I did the -- my field work in this case, which was in the form of a six pack, I did some work-up, and I did that pretty much a week after it was assigned to me. My hesitation with closing this case out, I guess, right away, was the fact that I had done some further research. Well, going back to the day that I contacted the victim, he told me that his house had been shot up once, at his residence in Compton. He also told me that his vehicle was burglarized and his

house was burglarized. Several police equipment, including ammunition, magazines, I'm assuming Department-issued things or stuff that he kept after he retired or quit the Department, was stolen. So my mindset, in keeping this open, even though I only had one ID, and even though he knew that he didn't want to involve his [redacted], which takes corroboration out of the picture, if I would have submitted just on that, I would have gotten a D.A. reject. So that's what I ultimately did. I only kept it over because my mindset was to possibly do a probation search on the suspect, on the suspect's house, and try to find fruits of the crime related to the shooting; particularly, the caliber of casing that was found. His front door was shot once and in addition, if I could find any of that stolen property, then I would have a huge case, and it would be a good felony filing to put on the suspect. But as of right now, I only knew I had a D.A. reject because he didn't want to include his [redacted]"

Sergeant Botello asked, given his large caseload at OSS, if he ever considered telling a Detective Bureau supervisor about his case in hopes of getting it reassigned. Subject Maddex described how he was shunned by several supervisors when he plead his case about being inundated with leftover Detective Bureau cases (this statement is chronicled in the *Subject Interview* heading).

I pointed out to Subject Maddex that this case, like many others, was also closed in LARCIS on September 19, 2013, yet the matter was not presented to the District Attorney until February of 2015:

"Well, one, I didn't think that I would still have this case at the time of my transfer. I didn't -- I never had any intention of any case being assigned to me to be -- to be in my caseload more than 90 days, just because 90 days is scrutinized so highly. You know, aside from the fact that I went to another bureau, I didn't think that I would still have this case open. I thought -- again, my intentions were to close this case when I first got to OSS, and that just wasn't the case because my OSS responsibilities. So it's the same reasons around the September 19th date that I had explained before, it was around that time that I believed that I could use LARCIS as a tool to basically organize my own caseload, to me, because whenever I made a LARCIS entry, and it was obviously unfinished, because if I truly did do a 220 warrant filing, then under case -- under the court case number, there would have been a warrant number, I would have put in Compton Court. I would have put in the charge. I would have put in the description. I would have done a whole lot of things because to me, this was not the final case closure, and it's still not the final case closure."

It was during this line of questioning where Subject Maddex stated he did not know his case "projections" and entries into the LARCIS case closure screen actually closed his cases or removed them from a supervisor's case management report.

I again referenced the amount of time which had passed before this case was ever presented to the District Attorney's Office. I asked him bluntly if he felt nearly two (2) years was a reasonable amount of time to reach a disposition on a case such as this:

> *"Yeah, this is not, you know -- obviously, I should have -- when I got the -- again, it was my -- I had good intentions of doing the probation search. Had I done a probation search as soon as I thought of that idea, right after the victim tells me, Hey, I don't want my only witness in this case to be contacted,' and I knew it was going to be a DA reject, I should have just submitted it. And looking back on the case, I should have just submitted it for a D.A. reject, and if I really wanted to do a probation search, I could have just done it on the premise of the Compton cases at another time. But when I didn't -- obviously my caseload and everything else at the time -- I have to prioritize when I'm gonna do a probation search, and planning one would be time consuming to me, 'cause I know that it is, because there's research involved and everything else. But given my caseload, it just wasn't -- it wasn't practical for me to do a probation search when the initial report wasn't submitted to the D.A.'s Office. So I take responsibility for that. From the time that it was assigned to me to the time I went to OSS."*

CASE #12

REPORT DATE:	August 16, 2013
FILE NUMBER:	013-08351-1624-053
CLASSIFICATION:	Assault with a Deadly Weapon (Crowbar), 245(a)(1) PC (Felony)

CASE SYNOPSIS:

The victim, [redacted] (a 15 year old male) was walking to school with two (2) friends. A car pulled alongside containing four (4) male Hispanics. The males attacked the victim. At least one suspect was armed with a crow bar. After the assault, the suspects fled.

Later, the victim identified the four suspects after being shown photographic show-ups. The four suspects were members of a tagging crew. Because the witnesses could not be located, the District Attorney's Office declined to file charges.

INITIAL OBSERVATIONS:

The case file contained loose papers in no discernable order. Nothing was affixed to the folder. The contents of the folder are as follows:

- First report
- Supplemental report authored by Deputy Clayton Stelter
- Booking slips for three (3) suspects
- Criminal History report for [redacted]
- Two (2) Witness Admonishment for Mug Show-Up forms signed by the victim
- Three (3) photographic show-up arrays with positive suspect identifications initialed by the victim
- Charge Evaluation Worksheet prepared by Deputy District Attorney Edwin Wakabayashi

TIME LINE:

Subject Maddex's case journal is summarized as follows:

- August 20, 2013—Ack/Reviewed Case
- August 20, 2013—CLEATS System Update(s)
- October 20, 2013—Supervisory Review (60 days; Sergeant Austin notified)
- November 20, 2013—Supervisory Review (90 days; Lieutenant Bergner notified)
- December 20, 2013—Supervisory Review (120 days; Sergeant Austin notified)
- January 20, 2014—Supervisory Review (150 days; Sergeant Austin notified)

INVESTIGATION:

According to LARCIS, Subject Maddex closed this case on November 19, 2013, with clearance codes 214 and 061: *Victim refuses to prosecute.* Yet on May 27, 2014, the victim identified three (3) of his assailants in photographic show-ups. Also in conflict is Subject Maddex's case journal which listed three (3) Supervisory Reviews (case extensions) on dates *after* the case was closed in LARCIS.

According to the Charge Evaluation Worksheet, the case was rejected by the District Attorney's Office on November 21, 2014 (over a full year after Subject Maddex closed the case in LARCIS). The reason for the rejection was the inability to locate two (2) witnesses who were present during the assault.

With the case being closed in LARCIS on November 19, 2013, it would not appear on a supervisor's case management report as being overdue.

FOLLOW-UP CRIMINAL INVESTIGATION:

Sergeant Torres reinvestigated this case on April 3, 2015, and prepared a supplemental report documenting his findings. He too was unable locate a supplemental report from Subject Maddex. Sergeant Torres was unable to contact the victim, however he did speak with the victim's [redacted] Ms. [redacted] made it known to Sergeant Torres that she, nor any member for her family, wished to follow through with criminal prosecution. She also voiced her displeasure with the amount of time it took to complete this investigation.

Because of the unwillingness of the victim and his family to proceed with criminal prosecution, coupled with this case having already been rejected by the District Attorney's Office, Sergeant Torres closed the case and opted not to refile it. He left his contact information with the family if they were to reconsider their position regarding prosecution.

SUBJECT/ WITNESS INTERVIEWS:

WITNESS MICHAEL D. AUSTIN

Witness Austin recalled assigning this case to Subject Maddex. I showed him Subject Maddex's case journal entry of October 20, 2013, which purportedly notified Witness Austin of the case's extension to the 60 day mark. Witness Austin was unsure if he received such a notification but recalled having conversations about the case itself.

I showed Witness Austin three (3) additional entries, each purporting to be notifying him of the case's extension in 30 day increments leading up to the 150 day mark. I asked Witness Austin if he recalled receiving these notifications to which he replied:

> *"Absolutely not. In looking at this case journal, those notifications being made at 120, 150, even at the 90 day mark; I would have really scrutinized his case journal at that point because there's no entries in it."*

I showed Witness Austin the LARCIS case closure screen for this case where I had him read aloud the date listed as the closure date. He read aloud the date which was November 19, 2013. Witness Austin noted about this date: "...which would have directly kept it off a 90 day report."

Lastly, he did not recall receiving this case for final review and although his name appears as the approving supervisor on the LARCIS case closure screen, he felt it safe to assume it was placed there without his knowledge.

WITNESS CHRISTOPHER BERGNER

I showed Witness Bergner Subject Maddex's case journal entry of November 20, 2013, where he was purportedly notified of the case's 90 extension. Witness Bergner recalled receiving no such notification. Prior to this interview, Witness Bergner had not seen Subject Maddex's 90 case extension memorandum.

WITNESS RICHARD TORRES

Witness Torres corroborated the summary outlined above.

SUBJECT RYAN MADDEX

Subject Maddex recalled this case and admitted his journal entries regarding supervisory notifications were false; this also included his journal entry wherein he notified Lieutenant Bergner of the case's 90 day status. He also acknowledged that the LARCIS closure date of November 19th was not the actual closure date but another of his "projections' of when the case would truly be closed.

Subject Maddex said one of the reasons he kept this case open was many of the participants in it were linked to a separate murder investigation. He felt as though if he could make arrests based off of this case, he could assist Sheriff's Homicide with their investigation while at the same time, get credit for an arrest stat for OSS.

CASE #13

REPORT DATE: March 26, 2014

FILE NUMBER: 914-02922-1622-175

CLASSIFICATION: Violation of a Domestic Violence Restraining Order, 273.6(a) PC (Misdemeanor)

CASE SYNOPSIS:

The suspect ([redacted]) was paroled to a halfway house in Perris, California. From there, he sent several threatening text messages to his [redacted](the victim, [redacted]) in violation of a domestic violence restraining order issued in 2011. In the messages, the suspect threatened to forward nude photographs of the victim to her friends, family and coworkers. In some of these texts messages, the suspect claimed to have already forwarded these photographs.

INITIAL OBSERVATIONS:

The case file contained loose papers in no discernable order. There was nothing affixed to the folder nor was a case journal present. Amongst these papers was the first report. At the top of the report's face page were notations that read: *Keystone 415G...Maddex...3-31.* This notation is in red ink and is typically written by a supervisor assigning the case to an investigator. Based on these notations, it would appear this case was gang related and assigned to Subject Maddex on March 31, 2014. The remaining contents of the case file were as follows:

- Supplemental reports authored by Subject Maddex and Detective Pope
- Criminal history report for the suspect dated February 22, 2015, displaying a field of *Requested By: SH 488346* (Subject Maddex's home agency and employee

Number generated nearly a year after the case was assigned to Subject Maddex)

- Two (2) recent booking photographs of the suspect (one color, one black and white)

TIME LINE:

There was no case journal present however one was located in the CLEATS data base. The journal lists Carson Station Detective Mark Pope as the investigator, not Subject Maddex. An entry dated August 28, 2014, indicated the case was closed due to a lack of workable information. It was reopened on March 16, 2015. This entry indicated Detective Pope requested a proof of service from the victim to satisfy the requirement that the restraining order was valid at the time of the incident. According to the journal entry, the victim complied and furnished the proof of service.

Subject Maddex's supplemental report indicates he contacted the victim at her home on May 23, 2014, where she identified the suspect from a photograph he showed to her. The report also indicates he received a voicemail from the victim in June, 2014 (no day is listed), who advised Subject Maddex she did not wish to prosecute. Subject Maddex concluded the report with, "This case will be presented to the Compton District Attorney for a warrant filing."

INVESTIGATION:

Upon closer examination of Subject Maddex's supplemental report, it was authored on February 22, 2015, yet the body of the report indicates the investigative actions he took were on May 23, 2014, and in June, 2014, respectively. The date of February 22, 2015, does not appear to be a typo as it corresponds with the court filing date of March 19, 2015 (the span of time between these two dates would be consistent with the court's processing time for a warrant filing).

In further examining the supplemental report found in the case file, there is no evidence it was ever submitted or processed. A check of the Sheriff's Electronic Criminal Documents Archive (SECDA) database revealed the document had never been scanned or processed. It is also not listed in the LARCIS data base as having ever been processed. It would appear this report was authored by Subject Maddex but never left his case file.

In reviewing LARCIS, the case was closed on August 28, 2014, with clearance codes of 224 (misdemeanor filed, warrant obtained, adult suspect, whereabouts unknown) and a participant disposition code of 020 (misdemeanor filed). The primary investigator listed as clearing the case is Carson Station Detective Mark Pope.

From all indications, it appears this case was reassigned to Detective Pope after Subject Maddex's departure. However, unbeknownst to the other, each investigator was actively investigating this case; up to and including presenting it to the District

Attorney's Office where both investigators obtained criminal filings under separate court case numbers only a day apart (March 19, 2015 and March 20, 2015 respectively).

Subject Maddex's case received court case number 5CP01568 on March 19, 2015, while Detective Pope received court case number 5CP01604 on March 20, 2015. It further appears Detective Pope closed the case in LARCIS using the court case number issued for Subject Maddex's presentation to the District Attorney. It is not clear how these numbers were transposed.

FOLLOW-UP CRIMINAL INVESTIGATION:

This matter was reinvestigated by Carson Station Detective Bureau Lieutenant Lloyd on March 16, 2015. He learned a misdemeanor warrant was issued by Compton Superior Court as a result of Subject Maddex's case filing on March 20, 2015. Lieutenant Lloyd further learned that the suspect was also a parolee at large who recently turned himself in to the Robert Presley Detention Center.

In speaking with the victim, Lieutenant Lloyd learned the victim had in fact been contacted by two (2) investigators (a male and a female) in the days immediately after the first report was generated. The victim did not know that names of these investigators but one was presumably Subject Maddex.

SUBJECT / WITNESS INTERVIEWS:

WITNESS FRANCIS ESPELETA

Witness Espeleta was shown the supplemental report bearing his name as the approving supervisor. His name was typed in the same computer generated font as the rest of the document. When asked if he actually approved this supplemental report, he was unsure if he had ever actually reviewed this report. Oftentimes he will place his initials next to his typed name. In other instances however, Subject Maddex would brief him on the contents of a report. Because Subject Maddex's reports were always thorough and well written, Witness Espeleta would allow Subject Maddex to insert his name (Espeleta) as the approving supervisor. This practice was in place usually due to court filing deadlines where time did not permit Witness Espeleta to avail himself to physically sign the document.

WITNESS MICHAEL D. AUSTIN

Witness Austin recalled confusion surrounding this case because other reports of similar crimes involving the same suspect and victim came across his desk at the same time. Witness Austin inadvertently assigned this case to both Subject Maddex and Witness Pope. When he realized he assigned the same case to two (2) investigators, he told Subject Maddex to stand down and to cease investigating the case.

Lastly, Witness Austin acknowledged that the red handwriting found at the top of the

first report was his (it was further acknowledgement that he assigned the case to Subject Maddex).

WITNESS KEVIN LLOYD

Witness Lloyd reinvestigated this matter and made contact with the victim, [redacted]. She reconfirmed being contacted by a detective (presumably Subject Maddex) in the days immediately following the date of the incident.

While investigating this matter, Witness Lloyd learned the same case was also assigned to Carson Station Detective Pope. He also learned both Detective Pope and Subject Maddex filed this case with the District Attorney's Office and obtained separate case filings as a result. Both of these filings occurred *after* supervisors were made aware of the case's extreme delinquency.

I asked Witness Lloyd if it appeared to him Subject Maddex filed this case with the District Attorney's Office after being given explicit orders not to perform further investigative measures. Witness Lloyd replied, "That's correct."

Partly due to this case, Witness Lloyd was conducting a supervisory inquiry into other possible delinquent cases assigned to Detective Pope (it is for this reason Detective Pope was not interviewed as a witness in this matter).

I asked Witness Lloyd if he felt either Subject Maddex or Detective Pope adequately investigated this matter:

> *"No they did not. And I base that on a couple of things. The violation of the court order: The suspect was a sex registrant and also on parole. So it would not have been...very little effort in order to locate him and find him and because he would be a threat to the community. Because of his prior convictions, this is something that should've been acted on. There's really no reason to wait almost a year. And it appears that it's only after it was brought to our attention that both of them did case work on it."*

He added to this by saying it would have taken very little effort to get the suspect into custody; perhaps something as simple as making two (2) phone calls to the police agency with jurisdiction. Instead, both investigators waited one (1) week before the case's statute ran out, only to obtain misdemeanor case filings.

In speaking of these case filings, Witness Lloyd pointed out that had the separate court filings not been discovered, the Department could have been exposed to civil liability. The issue has since been resolved with the courts.

Lastly, Witness Lloyd re-contacted the victim notifying her the suspect was in-custody but not before extending his apologies for the case's delay.

The suspect has since been released on citation with an upcoming court date.

SUBJECT RYAN MADDEX

Subject Maddex recalled this case but did not recall being told by Sergeant Austin to cease work on it due to its inadvertent assignment to another investigator. He also recalled this being one of the last cases assigned to him during his tenure in Detective Bureau. He also remembered Sergeant Austin making a joke after assigning this case because it had a gang nexus (the inference being that Subject Maddex was being transferred to a gang unit).

He confirmed taking this case to the District Attorney's Office in February of 2015. I asked him why it took him nearly a year to present this case:

> *"Again, what I had said on record, I expected to close all my old DB cases in May, June, no later than July of 2014. Well, I printed up the suspect's picture on March 31st, the day that it was assigned to me at 1433 hours. The field investigation that I did on this case was May 23rd, which again, is significant to me because that next week is when I was off for the entire month of June. So the reason for the delay is I did the work-up on this, wasn't able to write the supp because I was off for a whole month as related to my custody issues with my [redacted] and because I had to play catch-up with OSS for the time that I was gone. That was pretty much the reason; and then kind of going into the fact that I had that murder, occurred on July 23rd, 2014, three kids got stabbed. They were all juvies, on a gang that didn't exist, and that was my case. And that took pretty much all my time while I was in OSS, from the time of the murder in July, until the time that I did my gang expert on it in January of this year. So I wish I could have closed it out sooner, but it is what it is."*

Subject Maddex was not aware this case was also (and inadvertently) assigned to Detective Mark Pope. Had he known, he would have been elated because of his increased caseload at OSS.

CASE #14

REPORT DATE: September 7, 2013

FILE NUMBER: 013-09143-1616-146

CLASSIFICATION: Spousal Battery, 243(e)(1) PC (misdemeanor)

CASE SYNOPSIS:

The victim ([redacted]) was home when his [redacted] ([redacted]) came to

the door. When the victim opened the door, he was sprayed in the face with a substance believed to be oleoresin capsicum or similar chemical agent. Also present with the suspect was an unknown male Black who may have been armed with a handgun.

INITIAL OBSERVATIONS:

The case file contained loose papers in no discernable order. Nothing was affixed to the folder. The contents of the folder were as follows:

- Case Journal
- First report
- Supplemental report authored by Deputy Arana
- Supplemental report authored by Subject Maddex dated February 22, 2015
- Status of Investigation-Extension Advisory memorandum dated December 7, 2013 addressed to Lieutenant Bergner (90 days)
- Photograph and criminal history report for [redacted] generated February 22, 2015 by Subject Maddex
- DMV and warrant check report for [redacted] (victim's [redacted]) dated December 13, 2013
- Charge evaluation worksheet from the District Attorney's Office dated March 18, 2015
- Envelope containing a CD titled: *13-09142-16 Pics*

TIME LINE:

- September 7, 2013: Ack / Reviewed case
- September 7, 2013: CLEATS System Update(s)
- September 30, 2013: Administrative "I drove to STARS and picked up evidence."
- October 1, 2013: Administrative "I made color copies of evidence."
- November 7, 2013: Supervisory Review "60 Days. Sgt. Austin notified."
- December 7, 2013: Supervisory Review "90 Days, Lt. Bergner notified."
- December 7, 2013: Field Investigation: "I contacted the victim in this case and he told of two additional witnesses."
- January 7, 2014: Supervisory Review "120 Days. Sgt. Austin notified. Pending contact of two witnesses not mentioned in first report."
- February 7, 2014: Supervisory Review "150 Days. Sgt. Austin notified. Pending contact of additional witnesses."

INVESTIGATION:

According to LARCIS, Subject Maddex closed this case on December 3, 2013, with clearance codes 212 (DA Reject) and participant code 070 (DA reject). There is no supervisor listed as verifying or approving this LARCIS entry. The date of the closure is in conflict with the date on the Charge Evaluation Worksheet which indicated this case

was presented and ultimately rejected by the District Attorney's Office on March 18, 2015.

Subject Maddex's supplemental report was authored on February 22, 2015, yet the body of the report stated he took investigative action on December 12, 2013. This report along with a review of the case journal suggests no investigative action was taken on this case between December 12, 2013, and February 22, 2015. A check of the SECDA digital report archiving system revealed this report had never been processed. It bears Sergeant Fran Espeleta's name as the approving supervisor in a computer generated font. It would appear this report was prepared by Subject Maddex but never left his case file for submission or processing.

Based on a notation written atop a Case Tracking Report, it would appear Detective Maddex (either personally or via courier) delivered this case to the District Attorney's Office on February 24, 2015, for a warrant filing. The case was rejected on March 18, 2015, due to the absence of corroborating witnesses and physical evidence. This case rejection occurred exactly one day after Subject Maddex was relieved of standard duty pending this administrative investigation.

FOLLOW-UP CRIMINAL INVESTIGATION:

Sergeant Torres reopened this case on April 3, 2015. One of his first observations was that the suspect had never been arrested as a result of this incident despite the victim making a positive suspect identification on December 12, 2013, after being shown a photograph by Subject Maddex.

On April 28, 2015, after previous unsuccessful attempts, Sergeant Torres made contact with the victim who was now non-desirous of prosecution due in part to the time elapsed since the incident and the fact he has had no further contact with the suspect. The victim acknowledged being contacted "by a deputy" sometime after the incident and being a shown a photograph which he initialed. It would appear this was Subject Maddex's contact with the victim on December 7, 2013, based on Subject Maddex's journal entry.

Because the case had already been rejected by the District Attorney's Office coupled with the victim's desire not to prosecute, Sergeant Torres closed the case as is.

SUBJECT / WITNESS INTERVIEWS:

<u>WITNESS FRANCIS ESPELETA</u>

Witness Espeleta was shown the supplemental report bearing his name as the approving supervisor. His name was typed in the same computer generated font as the rest of the document. When asked if he actually approved this supplemental report, he was unsure if he had ever actually reviewed this report or was briefed on its contents. It

was common practice for him to place his initials next to his typed named located in the space allotted for the approving supervisor after reviewing and approving a report.

In other instances however, Subject Maddex would brief him on the contents of a report. Because Subject Maddex's reports were always thorough and well written, Witness Espeleta would allow Subject Maddex to insert his name (Espeleta) as the approving supervisor. This practice was in place in the event time constraints prevented Witness Espeleta from physically reviewing the report in time to meet a deadline e.g., the case being due in court. Witness Espeleta surmised such may have been the case in this instance.

WITNESS MICHAEL D. AUSTIN

Witness Austin recalled very little about this case but recognized the writing appearing at the top of the first report as his own. The presence of this writing confirmed to Witness Austin that he in fact assigned the case to Subject Maddex.

I read aloud Subject Maddex's case journal entry of November 7, 2013, purporting to notify Witness Austin of the case's extension. He did not recall having any conversations about this case.

I then referenced three (3) additional case journal entries spanning the 60-150 day marks which also purported to be notifying Witness Austin of the case's extension. He did not recall receiving these notifications either.

I pointed out that according to the LARCIS case closure screen, the case was closed on December 3, 2013. Witness Austin did not recall receiving this case for final approval.

WITNESS CHRISTOPHER BERGNER

I showed Witness Bergner Subject Maddex's case journal entry of December 7, 2013, where he was purportedly notified of the case's 90 day extension. Witness Bergner recalled receiving no such notification. Prior to this interview, Witness Bergner had never seen Subject Maddex's 90 case extension memorandum.

WITNESS RICHARD TORRES

Witness Torres corroborated much of what has been summarized above. He emphasized that it was not he who filed this case with the District Attorney's Office.

SUBJECT RYAN MADDEX

Subject Maddex recalled this case and admitted the supervisory case notifications in his journal were false. He acknowledged taking this case to the District Attorney's Office in either February or March of 2015.

I asked Subject Maddex about the presence the supplemental report in his case file. I further asked him if Sergeant Espeleta actually read this report. Subject Maddex said Sergeant Espeleta approved this report without actually reading it. In this instance, Subject Maddex explained the contents of the entire case file in addition to providing a synopsis of his supplemental report. He further stated this was a common practice on his OSS cases as well.

Lastly, he admitted to authoring the 90 day memorandum addressed to Lieutenant Bergner but not actually submitting it to him.

CASE #15

REPORT DATE: October 13, 2013

FILE NUMBER: 013-10467-1613-037

CLASSIFICATION: Robbery (Armed), 211 PC

CASE SYNOPSIS:

Two (2) security guards assigned to fixed vehicle gate positions were robbed at gunpoint by suspects posing as warehouse employees. The second victim was bound and thrown into the trunk of his own car by the suspects after being robbed.

Subject Maddex investigated this case along with a detective from Major Crimes Bureau, Cargo CATS. It was their belief the victims were in some way working with the suspects and it was an inside job of some sort. They came to this conclusion, in part, because one of the victims failed a polygraph exam and requested an attorney during a Miranda admonishment.

The case was closed due to a lack of further workable information.

INITIAL OBSERVATIONS:

The case was bound in a three (3) ring binder. The standard manila folder was secured behind a clear plastic sheath on the binder's front cover. There were loose papers in a pocket on the inner sleeve of the binder. Among the papers was Subject Maddex's case journal.

Secured in the ringed portion itself were documents and investigative materials nearly an inch thick. A supplemental report authored by Subject Maddex was present. There are older reports, wanted fliers, criminal history reports and jail records present amongst this material.

TIME LINE:

The case journal read as follows:

- October 15, 2013—Ack / Reviewed Case
- October 15, 2013—CLEATS System Update(s)
- December 15, 2013—Supervisory Review, 60 Days, Sergeant Austin notified
- January 15, 2014—Supervisory Review, 90 Days, Lieutenant Bergner notified
- February 6, 2014—Case Closed / Closure Package, No further workable information
- October 16, 2014—Field Investigation: "I partnered with Major Crimes Detective Chai Song for several weeks in October and November. We spend 2 to 3 days per week for the entire day investigating this case. Our findings pointed to the victim security guard [redacted] as being a suspect pretending to be robbed as part of an inside job. This was determined based off of him failing a polygraph in late November. [redacted] lawyered up during Miranda advisement. He was released as there was not enough probable cause to arrest him."

INVESTIGATION:

Subject Maddex's case journal and supplemental report (which are worded almost identically) suggest at least one (1) of the victims staged this robbery as part of an "inside job" as worded by Subject Maddex. Although the victim's failed polygraph exam and subsequent request for counsel upon a Miranda advisement bolstered Subject Maddex's suspicions, there is nothing present in the file explaining why he suspected the victim's involvement in the first place, though he explained it in his interview.

Subject Maddex's case journal indicates he closed this case on February 6, 2014, due to a lack of workable information. Yet on October 16, 2014, he conducted a field investigation where he indicates in his journal the victim became the focal point of the investigation.

In reviewing the case journal, Subject Maddex conducted his field investigation over a year after being assigned the case. According to his journal, no investigative activities are logged from the date of assignment to his final entry wherein he documented the polygraph incident.

In reviewing LARCIS, the case was never closed or cleared and it was still marked "pending." Because the case was never made active, it never appeared on the supervisor's LARCIS 30/60/90 day detective case management report.

FOLLOW-UP CRIMINAL INVESTIGATION:

On May 6, 2015, this case was reopened by Carson Station Detective Bureau Lieutenant Kevin Lloyd. Upon reviewing the case file, Lieutenant Lloyd came upon a

supplemental report/case closure report dated February 6, 2014. It lists Sergeant Binion as the approving supervisor. Sergeant Binion, however, was not assigned to Carson Station Detective Bureau until July of 2014 (more on this will be delved into in his witness interview).
Lieutenant Lloyd spoke to Detective Chae Song #[redacted] from the Cargo CATS unit. Detective Song confirmed working alongside Subject Maddex for this investigation and also lauded him for the hard work and effort he put into this case. Ultimately, Lieutenant Lloyd was unable develop any additional workable information for this case and closed it as such.

SUBJECT / WITNESS INTERVIEWS:

WITNESS MICHAEL D. AUSTIN

Witness Austin recalled this case but was not sure if he assigned it to Subject Maddex. This was assigned near the time Witness Austin became the Team Leader for the Robbery/Assault Team in Detective Bureau so it was possible the case assignment was done by his predecessor. I asked him about Subject Maddex's case journal entry purporting to be a notification to him regarding the case's 60 day extension. Witness Austin did not recall this notification specifically, but he recalled having conversations about the case itself.

I pointed out a case journal entry indicating the case was closed on February 6, 2014, due to a lack of workable information. I asked if he received this case for final approval to which he replied, "No, I did not receive this case for final approval."

I showed Witness Austin the LARCIS case closure screen which both listed the case status as "pending" and also listed him as the approving supervisor. Witness Austin said he would not have placed his name in the approving supervisor's field. Furthermore, had he in fact approved the closure of this case, he would have placed his initials next to his name on the LARCIS case closure screen.

Witness Austin recalled having several conversations with Subject Maddex about this case; up to and including his working alongside detectives from the Cargo CATS unit. He also recalled that the victims in this case were suspected of staging the robbery and of possibly masterminding a cargo theft from the business for which they worked.

Lastly, Witness Austin pointed out that this case was classified as "pending" and due to this, it would not have appeared on his 30/60/90 day LARCIS case management report.

WITNESS CHRISTOPHER BERGNER

I showed Witness Bergner Subject Maddex's case journal entry of January 15, 2014, where he was purportedly notified of the case's 90 extension. Witness Bergner recalled receiving no such notification. Prior to this interview, Witness Bergner had never seen

Subject Maddex's 90 case extension memorandum. He added to this by saying, "...and again, there are no initials or stamps that indicate I did."

SERGEANT FRED BINION

I asked Sergeant Binion the date he was assigned to Carson Station Detective Bureau. He told me, July, 2014. I then showed him a case closure supplemental report under this file number dated February 6, 2014. I pointed out that he was listed as the approving supervisor and asked if he recalled approving this report. He stated, "No." I asked Witness Binion to tell me where he was assigned on February 6, 2014. He stated he was a field/watch sergeant at Carson Station at that time and had no supervisory responsibilities in Detective Bureau and would not have signed reports generated by personnel from it. I asked if it was safe to assume his name was placed on the report without his knowledge. He replied, "Yes."

WITNESS KEVIN LLOYD

Witness Lloyd was assigned to reinvestigate this matter during which he had several conversations with Detective Song from the Cargo CATS unit. Detective Song was more or less an advisor to Subject Maddex due to his expertise in cargo theft-related crimes. Detective Song authored no reports, and took no notes. Detective Song suggested the use of a polygraph to Subject Maddex but was not present for any examination.

I noted that Subject Maddex suspected the victims themselves of somehow being complicit in this robbery. I asked Witness Lloyd if he knew how Subject Maddex came to this conclusion. Witness Lloyd was unsure because there were no supplemental reports or journal entries present that would explain how Subject Maddex came to this conclusion. In this regard, I asked Witness Lloyd if he felt Subject Maddex conducted a thorough investigation into this matter:

> *"It appears he put a lot of work into it but it wasn't thorough, it wasn't proper. The thing is all the work he did on this, he didn't document it; it appears he didn't document it or be able to leave it where another investigator might follow up on it."*

SUBJECT RYAN MADDEX

Subject Maddex recalled this case and also admitted to the false journal entries regarding supervisor advisories. He also admitted to authoring the 90-day memorandum addressed to Lieutenant Bergner but never submitting it to him.

Subject Maddex went onto describe the tremendous amount of work he put into this case. He asked to be placed on loan to Cargo CATS but was denied by Sergeant Austin due to manpower constraints at the station.

Lastly, I asked when he planned on writing a supplemental report detailing his investigation:

> *"As soon as I can -- as soon as I could; but obviously, OSS duties and everything else, I didn't get to it. It was -- I deemed it as very time consuming."*

CASE #16

REPORT DATE: September 4, 2013

FILE NUMBER: 013-09058-1622-133

CLASSIFICATION: Indecent Exposure, 314.1 PC (Misdemeanor)

CASE SYNOPSIS:

The victim (an adult male) reported that his neighbor across the street (the suspect, also an adult male), exposed himself at various times while on his own property in view of the victim. During each occurrence, the victim sent text messages to his [redacted] both to describe what he was seeing and to memorialize the date and time of occurrence. The victim did not know the suspect's name but did provide the license plate of the suspect's vehicle to the handling deputy.

INITIAL OBSERVATIONS:

The case journal was present but was loose and not affixed to the folder. The journal itself is two (2) pages with a supervisor signature line on the bottom right corner of each page was present. The lines read: *Case Reviewed By Michael D. Austin #*[redacted] Above each line appears handwritten script that appears to be either initials or a signature. The signature will be delved into during the subject/witness interviews. There are also handwritten initials on the following documents within the case file: a memorandum addressed to Lieutenant Bergner, the case closure supplemental report, case disposition report addressed to Deputy Michael Chacon and the LARCIS closure screen printout. These initials all appear to be the same but differ from the initials appearing on the case journal.

The file's remaining papers were fastened on the right side of the folder by a two-pronged clasp as required. The following contents of the file appeared in the order listed below:

- Memorandum: Status of Investigation-Extension Advisory dated December 13, 2013, (90 days)
- Supplemental Report/Case Closure dated June 25, 2014, advising the case was closed due to no evidence of a crime.
- Memorandum: Case disposition generated by CLEATS addressed to Deputy

Chacon dated June 25, 2014, advising, "Case closed due (*sic)* uncooperative victim."

- Printed LARCIS case closure screen displaying closure codes of 205 (DA Reject)* and 098 (no crime) with a case closure date of December 12, 2013. * ***Note:*** *Code 205 is also defined as Unfounded/No crime on printed LARCIS code forms.*
- Two (2) color photographs of [redacted] (the presumed suspect)
- Four (4) color photographic show-up arrays each containing a photograph of [redacted]. None of the arrays have signatures, initials or any other markings made by a victim or witness.
- The first report.

TIME LINE:

Subject Maddex's case journals reads as follows:

- September 13, 2013—Ack/Reviewed Case
- September 13, 2013—CLEATS System Update(s)
- November 13, 2013—Supervisory Review, 60 Days, Sgt. Austin notified
- December 13, 2013—Supervisory Review, 90 Days, Lt. Bergner notified
- January 13, 2014—Supervisory Review, 120 Days, Sgt. Austin notified.
- February 13, 2014—Supervisory Review, 150 Days, Sgt. Austin notified.
- March 13, 2014—Supervisory Review, 180 Days, Sgt. Austin notified.
- April 4, 2014—Administrative, I researched possible suspect information
- April 4, 2014—Field Investigation, I drove to the victim's residence, but he was not home. I spoke to the victim's [redacted] who advised the disturbing party/suspect moved from the location. I left my business card with the victim's [redacted] asking for his father to call me ASAP.
- April 5, 2014—Phone Call(s), I attempted numerous times calling the victim, but he did not return my calls.
- April 13, 2014—Supervisory Review, 210 Days, Sgt. Austin notified.
- May 13, 2014—Supervisory Review, 240 Days, Sgt. Austin notified.
- June 13, 2014—Supervisory Review, 270 Days, Sgt. Austin notified.
- June 25, 2014—Case Closed/Closure Package. After closer review of the report, I determined there to be no crime because once the victim spotted the suspect, the suspect quickly ran back into the house. The crime elements were not present in this case. Additionally, the victim reported the incident seven months later. Case closed. Unfounded/no crime.

INVESTIGATION:

In reviewing LARCIS, Subject Maddex closed this case on December 12, 2013, however he authored a 90 day case extension memorandum on December 13, 2013, addressed to Lieutenant Bergner. This memorandum displayed a set of initials but it is unknown to whom they belong. These initials appear on both the case closure and

case disposition supplemental reports (all of these documents appear in consecutive order in the case file). These initials also appear to be different than those found on the case journal.

A conflict is noted: The case journal indicates the case was closed due to the incident lacking the elements of the crime reported. However, Subject Maddex's memorandum of June 25, 2014, addressed to Deputy Michael Chacon, states the reason for the closure was due to a lack of cooperation from the victim.

There are a total of five (5) case extension entries in the journal. Nowhere in the case file does there exist documentation explaining why Subject Maddex required additional time to investigate the case.

FOLLOW-UP CRIMINAL INVESTIGATION:

Sergeant Binion reopened this case on April 14, 2015. The victim recalled having discussed this case with Subject Maddex in person, sometime in 2014. Sergeant Binion showed the victim a photographic line-up array where he made a positive identification of the suspect. Sergeant Binion later contacted the suspect who denied the indecent exposure allegations but did admit to frequently wearing a robe outside while getting his mail.

This case was not filed with the District Attorney's Office because it was a misdemeanor crime that was out of statute. Also, no corroborating witnesses were located. Sergeant Binion closed the case on these grounds.

SUBJECT / WITNESS INTERVIEWS:

WITNESS JEFFREY FLEMING

Witness Fleming was given this closed case file sometime in March, 2015, for final review. Upon his review, he noted several glaring deficiencies. Most notably was the presence of color photographic line-ups which appeared to have never been shown to the victim. Witness Fleming brought this case to the attention of his supervisor, Witness Lloyd and informed him of the deficient and incomplete state of this case file. Lastly, Witness Fleming denied any of the initials and signatures appearing in the case file belonged to him nor did he recognize who they belonged to.

WITNESS MICHAEL D. AUSTIN

Witness Austin recalled this case but did not specifically remember receiving a 60 case extension notification. He also did not rule out receiving such a notification either. I showed him seven (7) additional journal entries purportedly notifying him of the case's extension spanning from 60-270 days. Witness Austin responded to this by saying, "I did not receive any of these notifications."

I pointed out the case closure date of December 12, 2013, as it appeared on the LARCIS case closure screen. By Witness Austin's estimations, the appearance of this date "would have been a deliberate attempt to keep it off our 90 day report."

I also showed Witness Austin two (2) journal entries wherein Subject Maddex is purported to have notified Witness Austin of the case's extension. I noted aloud that these notifications (in May and June of 2014, respectively) would have taken place *after* Witness Austin was reassigned to ICIB. To this, Witness Austin said, "I had no such notifications while I was at Internal Criminal Investigations Bureau."

I asked about Witness Austin's name appearing as the approving supervisor at the bottom of the LARCIS case closure screen. Of this he said, "No, I did not approve anything about this case." He also said it was "very possible" that his name was placed in the approving supervisor's field without his knowledge.

Lastly, I showed Witness Austin what appeared to be initials throughout the case file. He said none of them belonged to him nor did he know to whom they belonged.

<u>WITNESS CHRISTOPHER BERGNER</u>

I showed Witness Bergner Subject Maddex's case journal entry of December 13, 2013, where he was purportedly notified of the case's 90 extension. Witness Bergner recalled receiving no such notification. Prior to this interview, Witness Bergner had never seen Subject Maddex's 90 case extension memorandum. There were markings appearing on the memorandum which could have been initials. Witness Bergner said these markings were not his. He also noted that no stamp or initials belonging to him appeared on the document.

<u>WITNESS FRED BINION</u>

Witness Binion confirmed with the victim that he was contacted by Subject Maddex however, this contact occurred just weeks prior to Witness Binion's reexamination of

this matter. It is estimated that Subject Maddex's contact with the victim took place sometime in March, 2015.

The victim identified the suspect after being shown a photographic line-up by Witness Binion. This line-up was already present in Subject Maddex's case file although Subject Maddex himself never showed it to the victim (this was confirmed by the victim).

Later, Witness Binion met with the suspect in the Carson Station lobby. During this contact, the suspect said he was never contacted by Subject Maddex.

Witness Binion did not present this case to the District Attorney's Office because it was a misdemeanor crime that had fallen out of statute.

Lastly, I asked Witness Binion if he felt Subject Maddex conducted a thorough investigation into this matter. He stated, "No."

SUBJECT RYAN MADDEX

Subject Maddex recalled this case and admitted his journal entries denoting supervisory notifications were false. I noted that he closed his case because he believed no crime had occurred. I asked why it took him nearly nine (9) months to reach such a conclusion:

"Well, going back to the beginning of this, it was assigned to me in September -- September 13th, 2013. It was assigned to me seven months after the incident took place. So I had my -- I had my concerns there as to why it took so long. I believe -- and it's -- again, I could have taken better notes, but I believe I had reached out to the victim by phone. I have, you know, I didn't get any answers, given my caseload at the time, and given the last case that we just discussed, how my time was occupied by that Major Crimes collaboration, which was the better part of October and November, and other cases that eventually I would be assigned, I didn't get to this until the last day I was here at DB; again, in an effort to prep my case, close my case, close my cases before going to OSS, I basically drove out to the house and talked to the [redacted]*, and left my business card. In the two months that -- it had taken two months, the victim never got back to me and I decided to close the case out. I realize by looking at the documents that you provided me in retrospect, it would have been more appropriate to close it out as Statute of Limitations expired. You know, the case content, you know, it -- you know, I just -- it would have been more appropriate to close out the Statute of Limitations."*

March 3, 2016

Deputy Ryan C. Maddex, #[redacted]

Dear Deputy Maddex:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business March 24, 2016.

An investigation under IAB file number IV2376476, conducted by Carson Station, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.05, General Behavior; and/or 3-01/000.13, Professional Conduct - Core Values; and/or 3-01/050.20, Duties of all Members; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically as it pertains to Field Operations Directive 11-01 – Standardized Procedures for Detective Unit Operations), on or about May 2013 through March 2015, while on duty and assigned as a detective, you violated Department policy by failing to investigate pending criminal cases in accordance with standards established for your position, and/or caused embarrassment to yourself and/or to the Department, and/or failed to be diligent and professional in your deeds, as evidenced by, but not limited to:

(Exhibit A)

a. Between May 20, 2013, and May 8, 2014, you entered a false case status code in LARCIS indicating the victim refused to prosecute when she was willing to, and, in fact, had positively identified a suspect from a photo line-up, and/or;

b. Between May 20, 2013, and May 8, 2014, you entered a false description in LARCIS indicating a suspect had been arrested when one had not, and/or;

c. Between May 20, 2013, and May 8, 2014, you entered a false case closure date in LARCIS, and/or;

d. Between May 20, 2013, and March 2015, you made several false entries in your case journal, and/or;

e. Between May 2013 and March 2015, you generated a memorandum purporting to have notified the DB lieutenant of a 90 day case extension (per Field Operations Directive 11-01) which you admittedly did not make, and/or;

f. Between May 2013 and March 2015, you failed to take appropriate and diligent investigative action on the case by failing to present the case to the district attorney after the victim had positively identified a suspect. Your failure to act ultimately resulted in the statute of limitations expiring and the inability to prosecute the case and/or seek justice for the victim.

(Exhibit B)

a. Between July 17, 2013, and September 19, 2013, you entered a false case status code in LARCIS indicating the victim had refused to prosecute when you had never contacted the victim, and/or;

b. Between July 17, 2013, and September 19, 2013, you entered a false case closure date in LARCIS, and/or;

c. Between July 17, 2013, and March 2015, you made false entries in your case journal, and/or;

d. Between July 17, 2013, and March 2015, you generated a memorandum purporting to have notified the DB lieutenant of a 90 day case extension (per Field Operations Directive 11-01) when had not made that notification, and/or;

e. Between July 17, 2013, and March 2015, you failed to take appropriate and diligent action in the case by failing to make contact with the victim, and/or;

(Exhibit C)

a. Between August 2, 2013, and March 2015, you made several false case journal entries, and/or;

b. Between August 2, 2013, and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

c. Between August 2, 2013, and March 2015, you entered false case status and case closure codes in LARCIS indicating he had obtained a misdemeanor filing in the case and that a warrant had been issued for the suspect when you admittedly had not presented the case to the district attorney at all, and/or;

d. Between August 2, 2013, and March 2015, you failed to take appropriate and diligent investigative action in the case by not conducting a timely investigation, and/or;

e. Between August 2, 2013, and March 2015, you entered a false case closure date in LARCIS.

(Exhibit D)

a. Between September 30, 2013, and March 2015, you made false case journal entries, and/or;

b. Between September 30, 2013, and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

c. Between September 30, 2013, and March 2015, you failed to take appropriate and diligent investigative action in the case by failing to contact the victim, and/or conduct a timely investigation, and/or link this pending case to another active case involving, most likely, the same suspect, and/or;

(Exhibit E)

a. Between September 30, 2013, and March 2015, you made false case journal entries, and/or;

b. Between September 30, 2013, and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

c. Between September 30, 2013, and March 2015, you failed to take appropriate and diligent investigative action in the case by failing to make timely attempts to contact the victim, and/or conduct a timely investigation resulting in an expiration of the statute of limitations and the inability to prosecute the case, and/or;

d. Between September 30, 2013, and March 2015, you entered false case status and case closure codes in LARCIS indicating the district attorney had rejected the case when you admittedly had never presented the case to the district attorney for review, and/or;

(Exhibit F)

a. Between November 22, 2013 and March 2015, you made false case journal entries, and/or;

b. Between November 22, 2013 and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

c. Between November 22, 2013 and March 2015, you failed to take appropriate and diligent investigative action in this case by failing to investigate it in a timely manner, and/or failing to present this domestic violence case with a known suspect to the district attorney for filing consideration, and/or failing to complete a supplemental report detailing your investigative actions, and/or failing to follow up on a firearm in evidence belonging to a LAX police officer, and/or;

(Exhibit K)

a. Between July 9, 2013, and March 2015, you made false case journal entries, and/or;

b. Between July 9, 2013, and March 2015, you failed to take appropriate and diligent investigative action in the case by failing to present the case for filing for over a year-and-a-half when it was rejected due to the unavailability of witnesses, and/or;

c. Between July 9, 2013 and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

d. Between July 9, 2013, and March 2015, you entered a false case closure date in LARCIS, and/or;

(Exhibit L)

a. Between August 20, 2013, and March 2015, you made false case journal entries, and/or;

b. Between August 20, 2013, and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

c. Between August 20, 2013, and March 2015, you entered a false closure date and case closure code indicating the case was closed on November 19, 2013, with the victim refusing to cooperate. However, contrary to that entry, the victim positively identified three of the suspects on May 27, 2014, and/or;

d. Between August 20, 2013, and March 2015, you failed to diligently and appropriately take investigative action on this case when you failed to present it to the district attorney's office for nearly six months after the victim positively identified three suspects, and/or;

(Exhibit M)

a. Between March 26, 2014, and March 2015, you failed to take diligent and appropriate investigative action in the case when you failed to submit the case to the district attorney for filing for nearly nine months after the victim positively identified the suspect, and/or;

b. Between March 26, 2014, and March 2015, you failed to follow directives by not maintaining a case journal in your case file, and/or failing to submit your supplemental report through the proper channels for processing, and/or;

(Exhibit N)

a. Between September 7, 2013, and March 2015, you made false case journal entries, and/or entered a false case closure date in LARCIS, and/or;

b. Between September 7, 2013, and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

c. Between September 7, 2013, and March 2015, you failed to take diligent and appropriate investigate action in the case when you took no action for over a year after the victim had positively identified the suspect, and/or;

d. Between September 7, 2013, and March 2015, you failed to follow directives by failing to submit your supplemental report through the proper channels for processing, and/or;

(Exhibit O)

a. Between October 15, 2013, and March 2015, you failed to take diligent and appropriate investigative action in the case when, according to your case journal, you took no investigative action for one year after being assigned the case, and/or failed to properly document investigative action you did take in a supplemental report, and/or;

b. Between October 15, 2013, and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

c. Between October 15, 2013, and March 2015, you generated a case closure supplemental report which indicated Sergeant Fred Binion approved the supplemental report, which Sergeant Binion denied approving, and/or you failed to follow directives by failing to submit your supplemental report through the proper channels for processing, and/or;

(Exhibit P)

a. Between September 13, 2013, and March 2015, you made false case journal entries, and/or entered a false case closure date in LARCIS, and/or;

b. Between September 13, 2013, and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

c. Between September 13, 2013, and March 2015, you failed to take diligent and appropriate investigative action in the case, allowing the statute of limitations to expire without conducting any investigation.

2. That in violation of Manual of Policy and Procedures Section 3-01/100.35, False Information in Records, on or about May 2013 through March 2015, while on duty, you violated Department policy by entering false information into Department records, documents, and/or databases, as evidenced by, but not limited to:

a. On numerous occasions, you entered false case closure codes, and/or false case closure dates, and/or false case action narratives, into Department databases; and/or,

b. On numerous occasions, you entered false information into your case journal.

(Exhibits referenced above are contained in the case file)

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Buddy Goldman, on March 23, 2016, at 1000 hours, in his office, which is located at 211 West Temple Street, 8th Floor, Los Angeles, California 90012. If you are unable to appear at the scheduled time and wish to

schedule some other time prior to March 23, 2016, for your oral response, please call Chief Goldman's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Goldman's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Goldman's office by no later than March 24, 2016.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Donnie L. Mauldin, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE



JIM MCDONNELL, SHERIFF

March 31, 2016

Deputy Ryan C. Maddex, #[redacted]
[redacted]

Date of Department Hire 02/11/2002

Dear Deputy Maddex:

On March 3, 2016, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2376476. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A with this Department, effective as of the close of business on March 30, 2016.

An investigation under File Number IAB 2376476, conducted by Carson Station, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.05, General Behavior; and/or 3-01/000.13, Professional Conduct - Core Values; and/or 3-01/050.20, Duties of all Members; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically as it pertains to Field Operations Directive 11-01 – Standardized Procedures for Detective Unit Operations), on or about May 2013 through March 2015, while on duty and assigned as a detective, you violated Department policy by failing to investigate pending criminal cases in accordance with standards established for your position, and/or caused embarrassment to yourself and/or to the Department, and/or

failed to be diligent and professional in your deeds, as evidenced by, but not limited to:

(Exhibit A)

a. Between May 20, 2013, and May 8, 2014, you entered a false case status code in LARCIS indicating the victim refused to prosecute when she was willing to, and, in fact, had positively identified a suspect from a photo line-up, and/or;

b. Between May 20, 2013, and May 8, 2014, you entered a false description in LARCIS indicating a suspect had been arrested when one had not, and/or;

c. Between May 20, 2013, and May 8, 2014, you entered a false case closure date in LARCIS, and/or;

d. Between May 20, 2013, and March 2015, you made several false entries in your case journal, and/or;

e. Between May 2013 and March 2015, you generated a memorandum purporting to have notified the DB lieutenant of a 90 day case extension (per Field Operations Directive 11-01) which you admittedly did not make, and/or;

f. Between May 2013 and March 2015, you failed to take appropriate and diligent investigative action on the case by failing to present the case to the district attorney after the victim had positively identified a suspect. Your failure to act ultimately resulted in the statute of limitations expiring and the inability to prosecute the case and/or seek justice for the victim

(Exhibit B)

a. Between July 17, 2013, and September 19, 2013, you entered a false case status code in LARCIS indicating the victim had refused to prosecute when you had never contacted the victim, and/or;

b. Between July 17, 2013, and September 19, 2013, you entered a false case closure date in LARCIS, and/or;

c. Between July 17, 2013, and March 2015, you made false entries in your case journal, and/or;

d. Between July 17, 2013, and March 2015, you generated a memorandum purporting to have notified the DB lieutenant of a 90 day case extension (per Field Operations Directive 11-01) when had not made that notification, and/or;

e. Between July 17, 2013, and March 2015, you failed to take appropriate and diligent action in the case by failing to make contact with the victim, and/or;

(Exhibit C)

a. Between August 2, 2013, and March 2015, you made several false case journal entries, and/or;

b. Between August 2, 2013, and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

c. Between August 2, 2013, and March 2015, you entered false case status and case closure codes in LARCIS indicating he had obtained a misdemeanor filing in the case and that a warrant had been issued for the suspect when you admittedly had not presented the case to the district attorney at all, and/or;

d. Between August 2, 2013, and March 2015, you failed to take appropriate and diligent investigative action in the case by not conducting a timely investigation, and/or;

e. Between August 2, 2013, and March 2015, you entered a false case closure date in LARCIS.

(Exhibit D)

a. Between September 30, 2013, and March 2015, you made false case journal entries, and/or;

b. Between September 30, 2013, and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

c. Between September 30, 2013, and March 2015, you failed to take appropriate and diligent investigative action in

the case by failing to contact the victim, and/or conduct a timely investigation, and/or link this pending case to another active case involving, most likely, the same suspect, and/or;

(Exhibit E)

a. Between September 30, 2013, and March 2015, you made false case journal entries, and/or;

b. Between September 30, 2013, and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

c. Between September 30, 2013, and March 2015, you failed to take appropriate and diligent investigative action in the case by failing to make timely attempts to contact the victim, and/or conduct a timely investigation resulting in an expiration of the statute of limitations and the inability to prosecute the case, and/or;

d. Between September 30, 2013, and March 2015, you entered false case status and case closure codes in LARCIS indicating the district attorney had rejected the case when you admittedly had never presented the case to the district attorney for review, and/or;

(Exhibit F)

a. Between November 22, 2013 and March 2015, you made false case journal entries, and/or;

b. Between November 22, 2013 and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

c. Between November 22, 2013 and March 2015, you failed to take appropriate and diligent investigative action in this case by failing to investigate it in a timely manner, and/or failing to present this domestic violence case with a known suspect to the district attorney for filing consideration, and/or failing to complete a supplemental report detailing your investigative actions, and/or failing to follow up on a firearm in evidence belonging to a LAX police officer, and/or;

(Exhibit K)

a. Between July 9, 2013, and March 2015, you made false case journal entries, and/or;

b. Between July 9, 2013, and March 2015, you failed to take appropriate and diligent investigative action in the case by failing to present the case for filing for over a year-and-a-half when it was rejected due to the unavailability of witnesses, and/or;

c. Between July 9, 2013 and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

d. Between July 9, 2013, and March 2015, you entered a false case closure date in LARCIS, and/or;

(Exhibit L)

a. Between August 20, 2013, and March 2015, you made false case journal entries, and/or;

b. Between August 20, 2013, and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

c. Between August 20, 2013, and March 2015, you entered a false closure date and case closure code indicating the case was closed on November 19, 2013, with the victim refusing to cooperate. However, contrary to that entry, the victim positively identified three of the suspects on May 27, 2014, and/or;

d. Between August 20, 2013, and March 2015, you failed to diligently and appropriately take investigative action on this case when you failed to present it to the district attorney's office for nearly six months after the victim positively identified three suspects, and/or;

(Exhibit M)

a. Between March 26, 2014, and March 2015, you failed to take diligent and appropriate investigative action in the case when you failed to submit the case to the district attorney for filing for nearly nine months after the victim positively identified the suspect, and/or;

b. Between March 26, 2014, and March 2015, you failed to follow directives by not maintaining a case journal in your case file, and/or failing to submit your supplemental report through the proper channels for processing, and/or;

(Exhibit N)

a. Between September 7, 2013, and March 2015, you made false case journal entries, and/or entered a false case closure date in LARCIS, and/or;

b. Between September 7, 2013, and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

c. Between September 7, 2013, and March 2015, you failed to take diligent and appropriate investigate action in the case when you took no action for over a year after the victim had positively identified the suspect, and/or;

d. Between September 7, 2013, and March 2015, you failed to follow directives by failing to submit your supplemental report through the proper channels for processing, and/or;

(Exhibit O)

a. Between October 15, 2013, and March 2015, you failed to take diligent and appropriate investigative action in the case when, according to your case journal, you took no investigative action for one year after being assigned the case, and/or failed to properly document investigative action you did take in a supplemental report, and/or;

b. Between October 15, 2013, and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB Lieutenant which you admittedly did not make, and/or;

c. Between October 15, 2013, and March 2015, you generated a case closure supplemental report which indicated Sergeant Fred Binion approved the supplemental report, which Sergeant Binion denied approving, and/or you failed to follow directives by failing to submit your supplemental report through the proper channels for processing, and/or;

(Exhibit P)

a. Between September 13, 2013, and March 2015, you made false case journal entries, and/or entered a false case closure date in LARCIS, and/or;

b. Between September 13, 2013, and March 2015, you generated a memorandum purporting to have made a 90 day case extension notification to the DB lieutenant which you admittedly did not make, and/or;

c. Between September 13, 2013, and March 2015, you failed to take diligent and appropriate investigative action in the case, allowing the statute of limitations to expire without conducting any investigation.

2. That in violation of Manual of Policy and Procedures Section 3-01/100.35, False Information in Records, on or about May 2013 through March 2015, while on duty, you violated Department policy by entering false information into Department records, documents, and/or databases, as evidenced by, but not limited to:

a. On numerous occasions, you entered false case closure codes, and/or false case closure dates, and/or false case action narratives, into Department databases; and/or,

b. On numerous occasions, you entered false information into your case journal.

(Exhibits referenced above are contained in the case file)

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 500 W. Temple Street, Room 522, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Buddy Goldman

CHIEF BUDDY GOLDMAN
SOUTH PATROL DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

BG:VMT:JMR:jp

cc: Advocacy Unit
Chief Buddy Goldman, South Patrol Division
Chris E. Marks, Captain, Carson Station
Internal Affairs Bureau
Judy A. Gerhardt, Captain, Personnel Administration
Doreen Garcia, Pay and Leave Management



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

January 20, 2022

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of **RYAN MADDEX** for a hearing on his **discharge**, effective March 20, 2016, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 16-91**.

The Civil Service Commission, at its meeting held on November 10, 2021, approved findings in the above-entitled case. The petitioner's objections were overruled. Commissioner Tevrizian was absent.

Since a copy of these findings have already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Craig M. Hoetger
Interim Executive Director

Enclosure

c: Ryan Maddex
Maureen Okwuosa
Daniel Carmichael
Samuel Reyes

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the ***discharge****, effective March 20, 2016, from the position of Deputy Sheriff, Sheriff's Department, of* **RYAN MADDEX** **(Case No. 16-91)**	))))))))	ORDER OF THE CIVIL SERVICE COMMISSION

On November 10, 2021, the Civil Service Commission of the County of Los Angeles overruled the petitioner's objections and imposed discharge. Commissioner Tevrizian was absent.

Dated this 20th day of January, 2022.

NAOMI NIGHTINGALE, President

PERCY DURAN III, Member

JOHN DONNER, Member

HEIDI SEGAL, Member

Absent
DICKRAN TEVRIZIAN, Member

Ryan Maddex Case No. 16-91

REVISED CONCLUSIONS OF LAW

1. The Department established by a preponderance of the credible evidence the truth of the allegations contained in its letter dated March 31, 2016, as set forth in Finding of Fact numbers 1 through 15.

2. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-01/050.10, because he failed to conduct 12 investigations in accordance with Departmental standards, as set forth in Finding of Fact numbers 3 through 6, 8 through 12, and 14.

3. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-01/030.05, because he acted in such a manner as to bring discredit to the Department by failing to conduct 12 investigations in accordance with Departmental standards, as set forth in Finding of Fact numbers 3 through 6, 8 through 12, and 14.

4. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-01/000.13, because he failed to conduct himself in a manner consistent with Department core values by failing to conduct 12 investigations in accordance with Departmental standards, as set forth in Finding of Fact numbers 3 through 6, 8 through 12, and 14.

5. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-01/030.10, as it pertains to Field Operations Directive 11-01, because he failed to obey all laws, regulations, and orders in failing to conduct 12 investigations in accordance with Departmental standards, as set forth

in Finding of Fact numbers 3 through 6, 8 through 12, and 14.

6. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-01/100.35, because he entered false information in Department records, as set forth in Finding of Fact numbers 3 through 6, and 8 through 12.

7. The Department established by a preponderance of the credible evidence that discharge is the appropriate discipline.

BEFORE THE
CIVIL SERVICE COMMISSION
COUNTY OF LOS ANGELES

In the Matter of the Appeal of: RYAN MADDEX, Appellant, And COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT, Respondent.	Case No. 16-91 **REVISED** PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION.

This matter came before Samuel D. Reyes, Hearing Officer, on January 19 and 20, 2017, March 18, July 8, 9, 10, and 12, September 3, and December 2 and 4, 2019.

Daniel Carmichael, Attorney at Law, represented Sheriff's Department (Respondent or Department).

Maureen Okwuosa, Attorney at Law, represented Deputy Ryan Maddex (Appellant), who was present at the hearing.

Oral and documentary evidence was received at the hearing. On January 20, 2017, the Hearing Officer was informed that the Superior Court of California, County of Los Angeles (Superior Court), had stayed administrative proceedings while the matter was pending in Superior Court. The hearing in this matter resumed on March 18, 2019, following Superior Court's lifting of the stay. **[~~The record in this matter was left open to give the parties the opportunity to order the transcript of proceedings and for the submission of~~**

~~**written closing argument.**~~**]** The parties filed their written closing argument on January 29, 2020, and the matter was thereafter submitted for decision.

ISSUES

On June 8, 2016, the Commission defined the issues to be decided at the hearing as follows:

1. Are the allegations contained in the Department's letter of March 31, 2016, true?

2. If any or all are true, is the discipline appropriate?

WITNESSES AND EXHIBITS

The Department called eight witnesses: Lieutenant Scott Aikin (Aikin), Sergeant Michael D. Austin (Austin), Captain Christopher V. Bergner (Bergner), Sergeant Fred Binion (Binion), Chief Steve Gross (Gross), Sergeant Jose Ramos (Ramos), Commander April Tardy (Tardy), and Sergeant Richard M. Torres (Torres). Appellant testified on his own behalf, and called Chief Lawrence Del Mese (Del Mese) as a witness.

The Department submitted the following 37 exhibits, all of which were received in evidence: Exhibit 1 (Notice of Discharge), Exhibit 2 (Notice of Intent to Discharge), Exhibit 3 (Disposition Sheet), Exhibit 4A (Guidelines for Discipline, effective September 28, 2012), Exhibit 4B (Guidelines for Discipline, effective August 1, 2014), Exhibit 5 (Table of Contents, IAB IV2376476), Exhibit 6 (Investigative Summary, IAB IV2376476,) Exhibit 7 (Personnel Investigation Form), Exhibit 8 (Transcript of Interview, Ramos), Exhibit 9 (Transcript of Interview, Sergeant Francis Espeleta (Espeleta)), Exhibit 10 (Transcript of Interview, Austin), Exhibit 11 (Transcript of Interview, Bergner), Exhibit 12 (Transcript of Interview, Tardy), Exhibit 13 (Transcript of Interview, Lieutenant Kevin Lloyd (Lloyd)),

Exhibit 14 (Transcript of Interview, Sergeant Jeffrey Fleming (Fleming)), Exhibit 15 (Transcript of Interview, Torres), Exhibit 16 (Transcript of Interview, Binion), Exhibit 17 (Transcript of Interview, Detective Monica Kitchin), Exhibit 18 (Transcript of Interview, Detective Gustavo Ramirez (Ramirez)), Exhibit 19 (Transcript of Interview, Sergeant Douglas Murakami (Murakami)), Exhibit 20 (Transcript of Interview, Appellant), Exhibit 21 (Case 1, URN 913-0501801611-144), Exhibit 22 (Case 2, URN 013-07119-16163-051), Exhibit 23 (Case 3, URN 913-07305-1610-339), Exhibit 24 (Case 4, URN 013-09854-1624-133), Exhibit 25 (Case 5, URN 913-09870-1623-134), Exhibit 26 (Case 6, URN 013-11867-1699-050), Exhibit 31 (Case 11, URN 013-06815-1615-054), Exhibit 32 (Case 12, URN 013-08351-1624-053), Exhibit 33 (Case 13, URN 914-02922-1622-175), Exhibit 34 (Case 14, URN 013-09143-1616-146), Exhibit 35 (Case 15, URN 013-10467-1613-037), Exhibit 36 (Case 16, URN 013-09058-1622-133), Exhibit 37 (Mentoring Program Documents), Exhibit 38 (Miscellaneous Documents), Exhibit 39 (LARCIS Case Codes), and Exhibit 40 (LARCIS Case Printout, Appellant, 4-1-12 to 4-1-15). The Department withdrew Exhibits 27 (Case 7), 28 (Case 8), 29 (Case 9), and 30 (Case 10).

Appellant submitted the following 22 exhibits, all of which were received in evidence: Exhibit A (Manual section 4-01/005.20 (Responsibility of the Detective Sergeant)), Exhibit B (Manual section 4-01/020.55 (Review by Supervisors)), Exhibit C (Email, Bergner to Carson Detectives, 6-10-13), Exhibit D (LARCIS Training Documents), Exhibit E (LARCIS Active Cases, OSS Carson, 1-14 to 12-14), Exhibit F (CLEATS Active Cases, Appellant, 9-30-13), Exhibit G (PIMS Inquiry, 9-22-13), Exhibit H (Appellant's Case Log), Exhibit I (Photos of Appellant's Cubicle (4)), Exhibit J (Email, Rodriguez to Haggerty and Others, dated 3-31-14), Exhibit K (Certificate, 4-18-14), Exhibit L (Weekly Time Card,

4-13 to 4-19-14), Exhibit M (Overtime Slips), Exhibit N (Job Performance Evaluations), Exhibit O (Investigator's Log (Aiken), Exhibit P (PM Shift In-service, Carson, 12-12-14), Exhibit Q (Gang Investigator Job Description), Exhibit R1 (Training Video), Exhibit R2 (Training Documents), Exhibit S (CLEATS Active Cases, Appellant, 1-2-15), Exhibit T (Memorandum re DB Inspection, 3-15-12), and Exhibit U (Investigative Procedures Worksheet).

STATEMENT OF THE CASE

By letter dated March 31, 2016, the Department notified Appellant that effective March 30, 2016, he would be discharged from his position of Deputy Sheriff. The Department concluded that Appellant had failed to investigate 12 criminal cases in accordance with standards and policies established by the Department. The letter also alleged multiple failures to enter truthful and accurate information in Department records and computer databases in connection with the investigations. Appellant counters that he adhered to Department policy in accordance with his training. He denied making false entries, and asserted that a full review of the two data bases in question, Los Angeles Regional Crime Information System (LARCIS) and Case Level Evaluation and Tracking System (CLEATS), reveals the truthfulness and thoroughness and his investigative steps in the 12 cases. Moreover, while acknowledging that he could have done more to investigate some of the cases at issue, Appellant points to an alleged failure of supervision to track the timely progress of investigations or to provide needed training in cases in which it was needed. The Department argues that discharge is appropriate while Appellant counters that **[~~that~~]** discharge is excessive in the existing circumstances.

SUMMARY OF EVIDENCE AND DISCUSSION

Appellant's Employment and Assignment

Appellant was hired in February 2002, and completed the Sheriff's Academy in August 2002. After two months at Men's Central Jail, Appellant was assigned to patrol duties at the Department's Lakewood Station. He transferred to the Lancaster Station after approximately five years, and was promoted to detective about five years later. He was assigned to the Carson Station in May 2012, but arrived in June 2012 due to pre-approved leave. He worked in the Carson Station Detective Bureau (DB), an assignment that included the performance of patrol duties for approximately eight hours each week. On April 20, 2014, Appellant started a gang detective assignment at the Carson Station Operation Safe Streets (OSS). From March 17, 2015, until his discharge, during the pendency of the investigation into his conduct, Appellant was assigned to civilian duties at the Stanley Mosk Courthouse.

Austin was Appellant's immediate supervisor for most of the time on the Detective Bureau at Carson Station, from about April 2012 until April 14, 2014. He described Appellant as a hard-working detective who had done some outstanding work. Appellant received "Very Good" ratings on his performance evaluations for the periods of August 30, 2013 to August 29, 2014, and August 30, 2014 to August 29, 2015, and an "Outstanding" rating for the period of August 30, 2011 to August 29, 2012. No evidence of prior discipline was presented at the hearing.[1]

[1] The Disposition Worksheet does state that Appellant received a written reprimand on September 9, 2014, for off-duty misconduct (Exh. 3, at . p. 11), but no disciplinary documents or other evidence establishing the disciplinary history were presented at the hearing.

Case Handling Directive and Computer Databases

On January 1, 2011, the Department issued Field Operations Directive 11-01 (Standardized Procedures for Detective Unit Operations) to establish standards and procedures regarding training, case management, documentation, and annual inspections for detective unit functions. In pertinent part, the directive provides:

"The journal (SH-R-405 or electronic equivalent) shall be affixed to the left side of the case folder. The journal shall concisely indicate each investigative step taken by the investigator and shall capably provide another investigator or supervisor with enough information to ascertain the status of an investigation. Details of the investigation shall be documented in supplemental reports. . . .

"Case journal and case closure forms do not supplant the need for supplemental report(s) to adequately document interviews and other significant investigative activities. . . . [¶] . . . [¶]

"The case closure form (Case File/Search Package Archival Report Form) shall be attached securely to the right side of the folder, on top of the incident report, supplemental reports(s) and other supporting materials. . . .

"[D]etective supervisors shall review the contents of their subordinates' case files and personally approve each case closure. Supervisors shall personally initial the case closure report form(s), next to their printed name, indicating approval of [LARCIS] case clearance codes, suspect codes, evidence disposition, proper notifications being made, and case closures being followed. The approving supervisor shall also sign the case journal, indicating concurrence with the case outcome and the reasonableness of time, effort and diligence devoted to the case by the investigator. [¶] . . . [¶]

"Supervisors shall ensure proper diligence and justification to keep each case open beyond 30 days. Cases may remain 'active' upon concurrence of the supervisor. Each supervisor's review shall be noted on the investigator's corresponding case journal. When a case is to remain 'active' in excess of 60 days from date of assignment, the investigator shall provide the team supervisor with a justification to keep the case open. Supervisors shall review cases that are open in excess of 60 days, at least once every 30 days. At the discretion of the supervisor, investigators may also be required to provide a supplemental report or memorandum detailing the status of the investigation and the justification to keep the case open. If a case remains 'active' in excess of 90 days, the investigator shall submit a supplemental report or memorandum to the detective supervisor documenting the latest status of the investigation and justification to keep the case open. Supervisors shall brief the detective commander every 30 days with latest case status update for any cases that remain open beyond 90 days. A notation shall be made on the corresponding case journal, noting that the lieutenant responsible for the respective station-level detective bureau, special team or investigations unit was informed of the case status. [¶] . . . [¶]

"Supervisors shall ensure that all case assignments to detectives are entered into Department records management system (LARCIS) without unnecessary delay. . . . [¶] . . . [¶]

"Supervisors shall review the LARCIS 'active/assigned' report at a minimum of twice per month, and they shall ensure that only currently assigned detectives have cases 'active' to the detective bureau team within LARCIS. [¶] . . . [¶]

"Case clearance codes shall be consistent with suspect code(s) used to clear each case. Only approved codes found within the LARCIS Case Closure Reference Guide (attached) shall be used. [¶] . . . [¶]" (Exh. 2, at pp. 18-20.)

Appellant was familiar with Field Operations Directive 11-01. It was one of the documents contained in his training materials and reviewed during his mentorship period.

In addition to Field Operations Directive 11-01, Department Manual of Policy and Procedures (Manual) section 4-01/020.55 (Case Review by Supervisors) contains provisions pertaining to supervisory duties. The section provides, in pertinent part: "Supervisors of investigative Units should develop a method of recording cases that will facilitate the review process. Monthly, supervisors should determine if cases are being closed out or being made inactive in a timely manner. When possible, they should endeavor to close out cases: [¶] when filed; [¶] when the expectancy of additional workable information and subsequent investigation is not feasible; or [¶] subsequent to the preliminary hearing or after misdemeanor trial. [¶] . . . [¶] (Exh. B.)

Field Operations Directive 11-01 and Manual section 4-01/020.55 place obligations on detectives and supervisors to ensure the timely processing and closing of cases. Notifications are required from detectives if cases are to remain open after 60 days, including a report or memoranda to the DB lieutenant justifying keeping the case open. The evidence presented at the hearing, including the testimony of Appellant, Austin, Bergner, and Tardy establishes that the practice was for the detective to prepare memoranda for the review of the DB lieutenant. As noted below, Appellant testified that his notifications to the lieutenant and to the sergeant were by way of memoranda to the file, but he did not dispute that it was his responsibility as the assigned detective to make notifications and to prepare notification

memoranda for the DB lieutenant. Supervisors remain responsible for ensuring timely processing and closing of cases.

Many of the allegations against Appellant revolve around the entries he made on LARCIS and CLEATS databases. The nature of the databases and their customary use by Department employees were not in dispute. LARCIS is a case management tool which contains case-related materials. Office staff was responsible for initially entering pertinent case information from incoming incident reports. Detectives at Carson Station entered case closure information into the system. One of the advantages of LARCIS for supervisors was that it could generate reports indicating the age of each case. Detectives used CLEATS to prepare case journals and to prepare case-specific documents, such as warrants and other court documents. One of the advantages of CLEATS is that some of the information in the documents was pre-populated. CLEATS can also generate reports of all active cases for each detective with the number of days a case has been open.

Tracking of Open Cases

Cases are typically assigned to detectives by DB sergeants. In completing incident reports, patrol deputies check a box in the document as "active," "pending," or "inactive." A case is active if information is likely available to solve the crime, or what witnesses referred to as "workable information." It is pending if there is no workable information. It is inactive if the case has already been investigated or if the report is written for filing purposes only.

At Carson Station, the DB was divided into three units, one which handled auto theft and burglary, one which handled other property crimes, and one which handled crimes against persons. Austin, who oversaw the latter, the unit in which Appellant worked, was Appellant's direct supervisor from April 2012 to April 14, 2014. Austin's practice was to

read all incoming active and pending incident reports and assign cases to specific detectives. He assigned some of the cases initially designated by patrol deputies as pending if he believed a detective's review could lead to workable information. Austin wrote the assigned detective's name on the front page of the report and placed it on the detective's desk chair. In some instances, primarily if there was a crime report involving a person in custody or during weekends, detectives self-assigned cases. As established by the testimonies of Austin and Del Mese, who was responsible for case handling audits, detectives received approximately ten new cases per month and typically carried an average caseload of 30 cases each month.

It was undisputed that LARCIS was the tool used by DB supervisors to keep track of active cases. Austin testified about his custom and practice of keeping track of the period of time cases remained open. On Mondays, he printed a LARCIS report that showed all cases being handled by each individual detective. The report depicted cases which had been open for over 30-, 60-, 90-, or more than 90-days. Austin cut out each detective's portions of the report, highlighted those over 30-days old, and gave or left in each detective's desk chair those portions of the report that pertained to the detective. As he distributed the report, Austin at times had brief discussions with the deputies about what was going on in cases at or near the 90-day mark. It was Austin's practice to ask detectives to come to him to discuss cases open more than 60 days, explaining why they should remain open. For those cases open more than 90 days, detectives were expected to write a memorandum to the DB lieutenant, explaining why the case should remain open. Austin did not actually review the memorandum to the lieutenant, as that document went directly into the lieutenant's inbox.

But Austin independently reviewed files of cases open 90 days or more and discussed any concerns with detectives under his command.

Austin also kept a personal log in his desk, listing cases assigned to each deputy. He had instructed deputies in his unit to enter in the log any cases they self-assigned during the weekend, but that was not always done.

Appellant presented contrary testimony regarding the manner in which the memorandum to the lieutenant was to be submitted. Appellant testified that he was trained to write a memorandum to the file for review by the lieutenant as necessary or when the case was closed. Appellant also testified that he was never told he was doing it wrong, which confirmed the correctness of the practice. However, Austin's testimony that the memoranda, along with the case file, were placed directly in the DB lieutenant's inbox was corroborated by DB lieutenants Bergner and Tardy and by DB sergeant Torres, and is credited.

Austin testified that he did not use CLEATS as a case management tool. He was not formally trained to use the system. He did know how to log in and enter case assignments, which he occasionally did. He was also aware of how to access a particular case's case journal. In his experience, CLEATS is more of a tool used by case-handling deputies to keep their case journal and to prepare case-specific forms.

Closing of Cases

All witnesses at the hearing who testified about the closing of a case, Appellant, Austin, and Torres, agreed on the customary and proper process at Carson Station DB. The supervising DB sergeant had to approve closure of all cases, and did so by reviewing the case file. Required documents, namely, a copy of the LARCIS case closure computer screen, a copy of the CLEATS Case Journal (Case Journal), and a Case Closure Supplemental Report,

were placed on top of the case file for review. Detectives were responsible for closing cases in LARCIS, for making case a closure entry in the Case Journal, and for completing the Case Closure Supplemental Report. The assigned detective was responsible for entering accurate information in the LARCIS case closure screen, including closure codes, and for copying the case closure screen for submission to the supervising DB sergeant. The detective then placed the investigative file on the sergeant's desk or in-box for approval. The lower right corner of the Case Journal page and the supplemental report contained a preprinted name and signature line and the words "Case Reviewed by [the assigned sergeant's name]." The assigned sergeant was to initial or sign the Case Journal copy to signify review and approval of the case disposition. As part of the review, the sergeant could request further action by the detective, before forwarding the packet to the DB lieutenant for final closure approval. It was Austin's practice to place his initials above his name upon completion of his review.

Aiken testified that he reviewed cases assigned to Appellant other than the ones involved in this matter. Aiken concluded that the other cases reviewed were closed consistent with the proper closure procedures. Appellant did not contradict this testimony. Accordingly, it was established that Appellant was aware of the proper procedures to close a case.

<u>Appellant's Training</u>

Appellant repeatedly testified that he investigated cases and made entries in the two databases in accordance with his training. From [redacted] Appellant participated in Carson Station's Detective Mentor Program, and was assigned a mentor, [redacted] As part of the mentorship, Appellant received training on basic investigative and case-handling techniques, including tips to use LARCIS and CLEATS and to close a case

using these programs. Training materials were included in a "Mentor Packet." As part of the training, Appellant attended an eight-hour LARCIS class, focused on the program's investigative uses and was not trained on its case-tracking or other potential uses by Department management.

After completion of the mentorship program, Appellant attended [redacted] courses pertaining to investigative techniques, one in [redacted] (basic investigation), one in [redacted] (analysis and concepts), and one in [redacted] (intermediate investigation). He also attended a homicide investigation course from [redacted] during his transition to OSS.

As pertinent to this matter, Appellant testified that [redacted] told him that he had to note in the Case Journal that he had notified supervisors when cases remained open after 30, 60, and 90 days, and after each 30-day period thereafter. Appellant testified that he asked [redacted] if he had to actually notify the supervisors and that [redacted] said he did not have to. All he had had to do was make a note to the file. With respect to the 90-day mark, Appellant further testified, [redacted] told him that a memorandum addressed to the lieutenant had to be added to the file regarding the case in the event the lieutenant wanted to review progress in the case. During his August 18, 2015 interview with the investigator, Aiken, Appellant stated that he believed the notifications to be a "formality" in the event of an audit. Appellant further testified that he made all his notifications in the same manner, namely, as notes to the file, and was never told that he was doing anything wrong, which testimony was not contradicted. [redacted] did not testify, and his statements during his August 5, 2015 interview with Aiken do not directly contradict Appellant's testimony.

Appellant's Transition to OSS

Appellant reported to work at OSS on April 20, 2014. Those assigned to OSS, including Appellant, remained Carson Station DB detectives, but were on "loan" to OSS. Austin recommended him for the assignment, and Appellant was notified about the transfer three to four weeks before the actual move.

On or about the time Appellant was notified of the transfer, Austin met with Appellant to discuss Appellant's caseload. Austin testified that Appellant had six to nine active cases and that these cases required minimal additional investigative work. As Austin recalled, both he and Appellant believed Appellant could complete the work on the cases before starting the new assignment. Austin decided not to reassign any of the cases, but also not to assign Appellant any new cases. Appellant told Aiken during his August 18, 2015 interview that he had approximately 30 open cases at the time, but that he did not provide the total number to Austin. (Exh. 20, at pp. 80-81.)

Appellant testified about his conversations with other supervisors regarding his caseload after the transfer to OSS. Upon reporting to OSS, Appellant told his new supervisor, Espeleta, that he had "a lot of cases." In this and in other occasions, Appellant asked Espeleta if any of the cases could be reassigned. Espeleta declined to reassign any of the pending DB cases. Espeleta did not testify at the hearing. In his May 27, 2015 interview with Aiken, Espeleta stated that Appellant discussed his pending DB cases with him and that he verbally approved Appellant's supplemental reports in some of them. Appellant's testimony is partially corroborated by Espeleta's statements and is credited. Soon after reporting to OSS, Appellant also informed Binion about his DB caseload. Binion did not recall the conversation. In any event, Binion did not reassign any of Appellant's DB cases.

At the end of June 2014, Appellant spoke to DB sergeant Murakami about his caseload, and the sergeant ended up taking about five cases from Appellant, leaving Appellant with 25 DB cases. Murakami did not testify. In his October 16, 2015 interview with Aiken, Murakami had no recollection of discussing specific cases with Appellant. In light of Appellant's better recollection and lack of contrary testimony, his testimony is credited. In December 2014 or January 2015, Appellant spoke to Lloyd, then the newly assigned DB lieutenant, about help or reassignment of DB cases, but received no relief.

The Case Files

At issue in this matter is Appellant's handling of 12 cases. It is alleged that he failed to properly investigate some of them, that he failed to notify his supervising sergeant and lieutenant when cases were being kept open past certain case-handling benchmarks, and that he made false entries in case handling documents. The 12 case files were referred in the Department's March 31, 2016 letter of imposition by reference to the exhibits to the Investigative Summary Report as Exhibits A, B, C, D, E, F, K, L, M, N, O, and P. The case files were also referred to during the investigation and at the hearing by their "case numbers." The numeric sequence of the cases aligns with letter sequence of the exhibits, so that Case number 1 is Exhibit A, and the rest of the cases are Case numbers 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, and 16, respectively.

Deputies assigned to a particular case maintained the physical file. Appellant described his practice of placing the initial incident report in a manila envelope. He wrote case-identifying information, such as the URN case number, Appellant's name, the victim's name, the suspect's name, on the tab and/or the outside of the folder. Other documents obtained during the investigation were subsequently added to the file. Appellant kept file

notes in the file for subsequent inclusion into LARCIS or CLEATS. He entered pertinent information in the CLEATS journal as investigations progressed.

Appellant kept his active case files on three file holders on top of his desk, one each for cases under 30 days, over 60 days, and over 90 days. As required, he also kept a paper case log next to the files. The log was organized by month, and each monthly sheet contained the date the case was assigned, two columns with case numbers derived from the URN case number, whether it was active, the type of potential code violation, the victim, the suspect, the disposition, and a column for "miscellaneous" notes. Exhibit H contains all of Appellant's cases during his tenure at Carson Station DB, June 2012 to March 2014.

Appellant kept an additional document on top of his desk, under a plastic desk cover, which he printed and updated on a daily basis. It was a computer printout document entitled "Active cases in C.L.E.A.T.S." (Exh. F.) The document submitted in evidence was printed on September 30, 2013. It listed the case number, the date assigned, and the number of dates since assignment.

The cases at issue in this matter came to light following a pre-audit review of pending Carson Station cases by Ramos, a DB sergeant not in Appellant's chain of command. During an August 2014 review of cases pending in LARCIS for more than 120 days, Ramos noticed four DB cases still assigned to Appellant that exceeded the 180-day mark. Ramos reported the matter to Appellant's supervisor at the time, Espeleta. Ramos continued to monitor Appellant's cases in LARCIS, and the four were still open in September 2014. Ramos separately spoke to Appellant and to Espeleta in September 2014, urging completion of the investigations in the four cases.

On March 10, 2015, Appellant came to Ramos, and presented seven additional DB cases he was still investigating. Six had been assigned to him in 2014 and one in January 2015, and all had been closed in LARCIS. Appellant discussed the status of all the cases with Ramos. Ramos instructed Appellant to complete work of the four they had previously discussed and to stop working on the other seven until DB supervisors were informed of the cases. Ramos reported the matter to Lloyd, his supervisor, who instructed Ramos to prepare a memorandum to the Carson Station Captain, Chris E. Marks. On or about March 13, 2015, Espeleta directed Appellant to stop working on all DB cases, and to give him the physical files. An additional case file, the twelfth one was discovered when the files were turned over.

Lloyd provided DB sergeants with a copy of the initial incident report and asked them to re-investigate the cases whose files had been taken from Appellant.

On March 17, 2015, Aiken, a lieutenant assigned to Carson Station, was asked to investigate Appellant's handling of the 12 criminal case investigations at issue. Aiken gathered and secured the files, which were ultimately submitted in evidence. Aiken used the files in his interviews of witnesses, including Appellant. In his August 18, 2015 interview, Appellant identified the files as those he kept during his investigations, and he dated and initialed Case Journals, 90-Day Memoranda to Lieutenant, copies of LARCIS case closure screen printouts, and other miscellaneous documents to confirm his identification. Appellant answered specific questions confirming he entered the information into the LARCIS system. In cases where Aiken or others had printed the screen during the investigation, Appellant initialed the document and discussed his actions as reflected on the document. Appellant

also confirmed that he had prepared the 90-Day memoranda and Case Journals found in the files.

At the hearing, Appellant questioned whether he was given the entire case files during his interview with Aiken because the manila folders were not present and because some of the LARCIS case closure screen printouts did not have his name. However, the absence of the folders or a LARCIS screen copy with Appellant's name does not establish that the files received in evidence were incomplete, and any testimony by Appellant suggesting documents were missing from any file has not been credited, as the files were under his control at the time they were obtained by Aiken, Appellant did not make contemporaneous statements about missing documents, and he did not establish that Aiken, or anyone else, selectively destroyed documents from some files to harm Appellant. On the contrary, he identified the critical documents, placed his initials on them, and discussed his actions as reflected in the documents.

Case 1 (Exhibit A)

The incident report in this case was taken on May 18, 2013, and the case involved an alleged battery the day before. It was reported that the suspect struck the victim at work. One witness was identified on the report. The patrol deputy was unable to contact the suspect due to insufficient contact information.

As set forth in the Case Journal, Appellant acknowledged receipt of the case on May 20, 2013, and documented the following investigative steps: contacted the victim, who was "desirous" of prosecution (May 28, 2013); created a six-pack line-up (July 11, 2013); contacted the victim, who positively identified the suspect in the six-pack line-up (July 11, 2013); noted the main witness would be on vacation until August (July 11, 2013); made a

phone call to the victim, who did not return the call (April 20, 2014); and typed a contact letter (May 8, 2014). (Exh. 21, at p. 1.) The contact letter informed the victim that Appellant had been unable to contact her, and stating that "[I]f we are unable to obtain additional information by May 31, 2014, the status of the matter may be affected." (Exh. 21, at p. 7.)

As established by the testimonies of Appellant, Austin, and Gross, detectives are required to exercise due diligence in the conduct of their investigations. In this case, Austin testified that the case should have been presented to the District Attorney's Office (DA) within a reasonable time of the witness identifying the suspect. Appellant's explanation for his failure was the volume of his work, including his patrol duties. In the circumstances of this case, including the need to prioritize the case to avoid the lapsing of a statute of limitations, Appellant failed to take appropriate and diligent investigative action by failing to present the case to the DA within a reasonable time after the victim had identified the suspect.

Appellant made entries in the Case Journal under the heading of "Supervisory Review," at 30-day intervals from July 20, 2013, through April 20, 2014. The first note, dated July 20, 2013, states: "60 Days, Sgt. Austin notified. Witness on vacation until August." (Exh. 21, at p. 1.) The August 20, 2013 note states: "90 Days, Lt. Bergner notified. Waiting to talk to witnesses." (*Ibid.*) The other notes, covering the 120-, 150-, 180-, 210-, 240-, 270-, 300-, and 330-day intervals, contain the same statement "Sgt. Austin Notified." (Exh. 21, at pp. 1-2.) It is undisputed that Appellant did not make specific verbal or written notifications to his supervisors in this or any of the other cases at issue in this matter as suggested by the language of his Case Journal entries. Rather, Appellant testified

that the entries in the journals constituted the requisite notification, and that he had been trained to make notifications in this manner, as notes to the file.

The file contained a memorandum entitled "Office Correspondence," dated August 20, 2013, from Appellant to Bergner with the subject heading "Status of Investigation – Extension Advisory." (Exh. 21, at p. 3.) This document and others of the same format were referred to at the hearing as the "90-Day Memorandum," which characterization is adopted in this report. In pertinent part, the document states: "I have been assigned to handle the above referenced case. This memorandum is to provide you with an update regarding the status of the case in compliance with Field Operations Directive 11-01 and MPP 4-01/005.25 RESPONSIBILITY OF THE INVESTIGATING DETECTIVE. [¶] LARCIS shows this case to have been active for 92 days since the first report was made. This case was actually assigned to me 90 days ago, and assessed as level 3. I anticipate closure of this case on or before 1/31/2014. I have updated the Case Level Evaluation, Assignment and Tracking System (CLEATS) to reflect the estimated closure date. I have attached a copy of the case journal and/or supplemental report to provide you with a summary of all actions taken on this case thus far." (*Ibid.*)

It is undisputed that Appellant did not physically give the 90-Day Memorandum to Bergner, or that he did not place it in the lieutenant's in-box, in this or any of the other cases at issue in this matter as suggested by the language of his Case Journal entries. Rather, as with the case notifications Appellant testified that his notification was by means of placing the document in the case file.

Detectives must individually log on to access the LARCIS system. When copies of a LARCIS screen are made, the system records the date and the person who was logged on.

The LARCIS computer screen has case information, and identifies the primary investigator and the supervisor, under headings on the lower portion of the screen, which read: "Cleared By (Primary Investigator)" and "Verified By Supervisor Approving Closure." (Exh. 21, at p. 6.) The document also has a third entry in the bottom row with the heading "Original Report Approved By," which is information pertaining to matters before the case is assigned to Appellant and which is not the responsibility of Appellant to complete. (*Ibid.*) Appellant's name was typically already included as the primary investigator.

In this case, as in most other cases subject to this appeal, Appellant entered Austin's name as the supervisor approving the closure in the LARCIS case closure screen. He explained he did so as a formality, to have the information in LARCIS and for the sergeant to have a place ready for his signature or initials in the hard copy of the LARCIS screen. (Exh. 20, at p. 35.)

The hard copy of the LARCIS case closure screen submitted into evidence for this case, which was found in Appellant's case file, shows that Appellant closed the case on September 19, 2013, and that he printed the document on May 8, 2014. The code he used to close the case was "214," and the text he entered next to the code was "Adult Arrested." (*Ibid.*)

It was undisputed at the hearing that the correct definition for LARCIS codes was contained in Exhibit 39 (LARCIS Codes Guide), which listed "LARCIS Case Status Dispo Codes" and "LARCIS Participant Dispo Codes," and which was referred in Field Operations Directive 11-01 as the LARCIS Case Closure Reference Guide. The LARCIS Codes Guide defines Code 214 as "Case cleared by exception, victim refuses to prosecute." (Exh. 39.) Accordingly, the description for code "214" Appellant entered into LARCIS is incorrect.

Appellant used this case to explain why he entered the code he did and why he closed the case with a date of September 19, 2013. Based on his understanding of instructions given by Austin at a staff meeting, Appellant estimated closure dates of cases at issue in this matter approaching the 90-day deadline, including Case 1. The meeting and whether Appellant's understanding was reasonable are more fully discussed below. Thus, Appellant agreed that he did not close this case on September 19, 2013, and referred to the date as his "projected" closure date. The description of "Adult arrested," which Appellant had initially entered on September 19, 2013, with the proper code, code "200," referred to how Appellant had projected to close the case.

Appellant also used this case to explain his plan to correct the prior "projected closure" entries in LARCIS. He returned to the case when he was ready to close it, or May 8, 2014, and changed the LARCIS closure code to the final, actual one and copied the screen view. The new code, carried in other closure documents, was "214," or "Case cleared by exception, victim refuses to cooperate." (Exh. 39.) His mistake was not hit the "tab" or "enter" keys on the computer for the prepopulated description of code 214 to replace the description for code 200. The LARCIS screen which is part of the file partially corroborates Appellant's testimony, as it was printed on May 8, 2014, and had the "214" code. As Appellant testified, the initial closure dates in LARCIS could not be changed.

Except for the reference in the earlier LARCIS closure screen, Appellant did not document any purported arrest of an adult or otherwise assert he had arrested anyone in this case. In light of Appellant's explanation, the reference to code 214 as "Adult Arrested" constitutes an error, not a willful entry of false or inaccurate information into LARCIS.

In any event, Code 214 was the incorrect code to close the case, as the victim did not refuse to cooperate. She had identified the suspect, was desirous of prosecution, and was not given any time to respond to the May 8, 2014 contact letter.

Appellant made entries in the Case Journal, indicating that the case was closed. The last entry in the Case Journal, with the date of May 8, 2014, states: "Case Closed/Closure Pkg [¶] Case closed if victim refuses to cooperate." (Exh. 21, at p. 2.) The Case Journal had Austin's preprinted name as the supervisor approving the case closure. Unidentified initials were placed above Austin's pre-printed name as the person reviewing the case. Austin denied making the initials, and testified he was no longer assigned to the DB in May 2014.

The Supplemental Report/Case Closure form, a document that is part of the case closure process, states that the case was cleared on May 8, 2018, and lists clearance code 214, or "Victim refuses to cooperate." (Exh. 21, at p. 4.) Appellant's name appears at the bottom of the form, and that of Austin appears in the "Approved By" box. (*Ibid.*) Initials appear by Austin's name, but Austin testified they were not his initials.

Appellant testified he left the case file on the desk of Austin's successor, Fleming, for closure of the case. Appellant also testified that he recognized Fleming's initials on the Case Journal and the Supplemental Report/Case Closure documents, which signified approval. Fleming was not called as a witness. However, in his June 4, 2015 interview with Aiken, Fleming stated that he was assisting another sergeant in closing cases stated that he approved closure of Case number 1. In light of Appellant's testimony, corroborated by Fleming, it was not established that Appellant made a false statement regarding approval of the case closure.

As part of the re-investigation of the case in March 2105, Binion contacted the victim, who was still desirous of prosecution. He used the telephone in the incident report to contact

her. However, Binion took no further action, as the one-year statute of limitations for this misdemeanor case had already lapsed.

Case 2 (Exhibit B)

The incident report in this case was taken on July 14, and the case involved an alleged assault with a deadly weapon. The victim reported that the suspect, a person he recognized as the mother of someone with whom he was involved in a prior physical altercation, was in the passenger seat of a car that stopped in front of the victim's house. The suspect pointed a gun at him and threatened to kill him before the vehicle drove off. The incident was witnessed by another individual, identified as "victim 2" in the report. The victim provided the license plate of the offending vehicle, which turned out to be registered to Sophia Harris (Harris). Patrol deputies were unable to contact Harris.

As set forth in the Case Journal, Appellant acknowledged receipt of the case on July 17, 2013. Appellant entered in the Case Journal that on September 3, 2013, he contacted victim 2's mother. Appellant also noted that on December 13, 2013, he drove to the victim's house and discussed the case with his mother. A handwritten file note dated December 12, 2103 refers to a contact with a relative of the victim, and one dated December 13, 2013, contained a new address for the victim and referred to "work up on [suspect] [California Drivers License number] [redacted]" (Exh. 22, at p. 8.)

The Department established that Appellant failed to take appropriate and diligent investigative action in this case in that he did not attempt to contact the victim for approximately four months and in that he did not actually make contact with the victim.

Appellant made entries in the Case Journal under the heading of "Supervisory Review," at 30-day intervals from September 17, 2013, through February 17, 2014. The first

note, dated September 17, 2013, states: "60 Days, Sgt. Austin notified." (Exh. 22, at p. 7.) The October 17, 2013 note states: "90 Days, Lt. Bergner notified." (*Ibid.*) The other notes, covering the 120-, 150-, 180-, and 210-day intervals, contain the same statement: "Sgt. Austin Notified." (*Ibid.*) No other investigative notes are set forth in the Case Journal.

The 90-Day Memorandum from Appellant to Bergner was dated October 17, 2013. The document contains the identical first paragraph and similar language in the second paragraph as in the memorandum to Bergner discussed in Case 1, and, as pertinent to this matter, states: "[I] anticipate closure of this case on or before 3/31/2014. . . ." (*Ibid.*)

A hard copy of the LARCIS case closure screen in the copy of the physical file submitted into evidence shows that Appellant closed the case on September 19, 2013, the date the screen was copied. (Exh. 22, at p. 6.) Appellant entered closure code "214," and the description next to the code is that of "No further workable information." (*Ibid.*) The description is actually incorrect, as LARCIS Code 214 is "Case Cleared by Exception, Victim Refuses to Cooperate." (Exh. 39.) In his August 18, 2015 interview, Appellant told Aiken that he had anticipated he would end up closing the case due to the victim's failure to cooperate based on his unsuccessful attempts to contact the victim and because she was a suspect in another case.

During the re-investigation of this case, Torres attempted to contact the victim, but was unsuccessful. He contacted Harris, and filed the case with the DA. The DA declined to prosecute for lack of cooperation.

Case 3 (Exhibit C)

The incident report in this case was taken on July 19, 2013, and the case involved alleged criminal threats via email. The victim reported that she had received two emails

from the suspect threatening to inflict death and mayhem on the victim and her daughter. The report contained addresses for the suspect and for the victim's ex-spouse, with whom the victim was engaged in a child support dispute.

In the Case Journal, Appellant acknowledged receipt of the case on August 2, 2013, and documented the following investigative steps: researched the involved parties and prepared a six-pack (January 12, 2014); drove to the victim's house and she provided further detail on the subject (January 12, 2014); conducted work-up on the suspect (January 13, 2014); contacted the boyfriend by phone (January 13, 2014); and received a call from the suspect (January 14, 2014). The file did not contain supplemental reports documenting Appellant's investigative work.

The Department established that Appellant failed to take appropriate and diligent investigative action in this case in that he did not contact the victim for approximately five months.

Appellant made entries in the Case Journal under the heading of "Supervisory Review," at 30-day intervals from August 2, 2013 through February 2, 2014. The first note, dated October 2, 2013, states: "60 Days, Sgt. Austin notified." (Exh. 23, at p. 3.) The November 2, 2013 note states: "90 Days, Lt. Bergner notified." (*Ibid.*) The other notes, covering the 120- and 150-day intervals, contain the same statement "Sgt. Austin Notified." (*Ibid.*) A February 2, 2014 note states: "150 Days, Sgt. Austin notified. Pending meeting with Compton Court Juvenile DA Hicks regarding juvenile subject." (*Ibid.*)

In the 90-Day Memorandum in this file, dated November 2, 2013, Appellant stated that he anticipated closure of this case on or before March 31, 2014.

The copy of the LARCIS Case Closure screen for this case was made by Aiken on April 1, 2015, during the investigation. The document indicates that Appellant closed the case in the LARCIS system on September 19, 2013, with code 224, and the following description: "Misdemeanor Filed. Warrant obtained. Adult Suspect, whereabouts [unknown]" (Exh. 23, at p. 2.) Appellant told Aiken on August 18, 2015 that he entered the date of September 19, 2013, as the date he projected to close the case.

Contrary to the statement in the LARCIS Case Closure screen, Appellant admitted to Aiken that he did not present the case for filing to the DA. The file contained no documentation of a filing or an arrest and Aiken was unable to find documentation in available databases that an arrest had been made on this case. Appellant testified that he discussed the case with a Deputy DA on March 10, 2015, but such contact was not documented in the file and did not constitute a DA filing.

In March 2015, Binion contacted the victim, who was still desirous of prosecuting. However, Binion took no further action, as the one-year statute of limitations for this misdemeanor case had already expired.

Case 4 (Exhibit D)

In the September 26, 2013 incident report, an 18-year-old victim stated that as she was walking down Avalon Boulevard in Carson a Hispanic man driving a white four-door vehicle drove by and stopped in front of her. The man inside was masturbating inside the vehicle as she walked by. The victim could not identify the subject, and no other witness or surveillance camera footage were found.

In the Case Journal, Appellant acknowledged receipt of the case on September 30, 2013. The Case Journal does not indicate that Appellant conducted any investigation on this

case. The case file does not document any contact with the victim, or indicate that such contact is documented in a related case file. The file does contain a copy of the same photographic line-up found in the Case 3 and Case 5 files, and what appears to be a photo of the victim. The Department established that Appellant failed to take appropriate and diligent investigative action in this case in that he did not contact the victim or document that he was conducting an investigation of the same suspect in a related case.

The Case Journal has three "Supervisory Review" entries, one on November 30, 2013, stating, "60 Days, Sgt. Austin notified," one on December 30, 2013, stating "90 Days, Lt. Bergner notified," and one on January 30, 2014, stating "120 Days, Sgt. Austin notified," (Exh. 24, at p. 4.) In the 90-Day Memorandum in this file, dated December 30, 2013, Appellant stated that he anticipated closure of this case on or before March 31, 2014.

Appellant did not close this case in LARCIS. But a review of the database by Aiken on April 1, 2015, showed that Appellant had classified the case as "pending."

In March 2015, Torres contacted the victims in this case and in Case 5, and presented the case to the DA. The DA declined to prosecute because of the statute of limitations had lapsed.

Case 5 (Exhibit E)

The incident report in this case was taken on September 26, 2013, and the case involved an alleged indecent exposure. A 17-year-old female reported that a male Hispanic between the ages of 30 and 40 driving a gold four-door vehicle slowed and stopped in front of her. He raised his lower body to expose his penis to her. The victim provided a license plate number for the suspect car. The patrol deputy noted that a similar incident had occurred one hour earlier in the same area, a reference to Case 4.

Appellant acknowledged receipt of the case on September 30, 2013. As in Case 4, the Case Journal does not indicate that Appellant conducted any investigation on this case. The case file contains a copy of the same photographic line-up found in the Case 3 and Case 4 files, a photo of the suspect, criminal history for the suspect, what appears to be a photo of the victim, and information on the suspect's vehicle. There is no documentation that Appellant contacted the victim in the case. The Department established that Appellant failed to take appropriate and diligent investigative action in this case in that he did not contact the victim before the expiration of the statute of limitations.

The Case Journal contains the following "Supervisory Review" entries: one on November 30, 2013, stating, "60 Days, Sgt. Austin notified;" one on December 30, 2013, stating "90 Days, Lt. Bergner notified;" and one on January 30, 2014, stating "120 Days, Sgt. Austin notified," (Exh. 25, at p. 2.) In the 90-Day Memorandum in this file, dated December 30, 2013, Appellant stated that he anticipated closure of this case on or before March 31, 2014.

The copy of the LARCIS Case Closure screen for this case was made by Aiken on April 1, 2015, during the investigation. Appellant closed this case in the LARCIS system on January 6, 2014, with code 212, and the legend "DA Reject." (Exh. 25, at p. 3.) Appellant explained this was his projected closure code because the DA was unlikely to prosecute given the problems with witness identification of the suspect.

Contrary to the statement in the LARCIS Case Closure screen, the case was not presented to the DA for filing. There was no DA documentation reflecting receipt or review of a filing from the Appellant, and Aiken testified he was unable to find any evidence that the case was presented to the DA or that the DA refused to file criminal charges. Appellant

confirmed he had not filed the case with the DA., and explained that he anticipated closing the case with a submission to the DA.

Case 6 (Exhibit F)

The incident report was taken on November 21, 2013. The victim alleged that approximately seven to ten days earlier her boyfriend punched her in her left eye, while he was driving her car and she was in the passenger seat. Later, after the car had stopped, he pushed her to the ground and kicked her in the back and stomach areas. She was able to get in the car and drive away. Patrol deputies observed bruises on the victim, and she identified the suspect from a photograph. The victim later turned in a firearm, registered to an LAX Airport Police officer, which had been in the suspect's possession.

Appellant acknowledged receipt of the case on November 22, 2013. On November 22, 2013, Appellant wrote in the Case Journal that he "did work up on both the victim and suspect." (Exh. 26, at p. 1.) On November 25, 2013, Appellant noted that he discussed the case with Narcotics Detective Lassiter. On December 3, 2013, Appellant contacted LAX Police Department Lieutenant [redacted] and faxed a copy of the report referring to the firearm in the Department's possession. On December 4, 2013, he sent a lab receipt to the crime lab for the gun. On December 10, Appellant documented the following steps: contacted the victim, but no answer; researched a photo of the victim on LARCIS, and researched to crime reports by Lomita Detective Vasquez.

The case file contained Appellant's handwritten notes documenting investigation details and plans with dates of November 22, December 3, 4, 5 and 10, 2013, and March 18 and 22, 2014. The March 18, 2014 entry states that Appellant was advised that Ramirez was

the victim in another spousal abuse case in Lomita. An incident report in the file, dated March 12, 2014, named a different suspect, James Burns.

The file does not contain any supplemental reports written by Appellant. As the testimony of Aiken establishes, which testimony was not contradicted by Appellant, a detective is required to document a victim's refusal to cooperate. Appellant did not contact the owner of the firearm, or attempt to determine the reason(s) it was in the suspect's possession. Appellant did not present the case to the DA for the filing of criminal charges.

The Department established that Appellant failed to take appropriate and diligent investigative action in this case in that he did not prepare a supplemental memorandum to the file regarding the victim's alleged failure to cooperate, in that he failed to investigate the reason(s) the suspect had the firearm, and in that he failed to submit the matter to the DA.

The Case Journal had two "Supervisory Review" entries: on January 22, 2014, "60 Days, Sgt. Austin notified[,]" and on February 22, 2014, "90 Days, Lt. Tardy notified." (Exh. 26, at p. 2.) In the 90-Day Memorandum in this file, dated December 30, 2013, Appellant stated that he anticipated closure of this case on or before March 31, 2014.

The copy of the LARCIS Case Closure screen for this case was made by Aiken on April 1, 2015. Appellant closed this case in LARCIS on February 25, 2014. He used code "214," and the legend next to the code is "Victim refuses to cooperate." (Exh. 26, at p. 5.)

Binion presented the case to the DA in March 2015, who declined to prosecute due to lack of corroborating evidence.

Case 11 (Exhibit K)

The incident report in this case was taken on July 5, 2013. The victim, a former county police officer, reported that a man attacked him outside his home. While the victim

and the attacker were struggling on the ground, another man kicked the victim on the side of the head. The two attackers left on a white Nissan Sentra or Altima. The victim's girlfriend witnessed the incident and provided a statement. The car was not located and there were no surveillance cameras in the area. The suspects were not identified.

The deputy who wrote the incident report designated the case as "Pending." Austin nevertheless assigned the case to Appellant to see if he could develop workable information. Appellant acknowledged receiving the case on July 8, 2013. Appellant noted in the Case Journal, "I met the victim and he positively identified the suspect. Victim uncooperative with witness information." (Exh. 31, at p. 8.) Appellant also noted the following action: on September 30, "I drove to STARS to get evidence[;]" on October 1, 2013, "I printed colored copies of the evidence, but Deputy Muse had nothing on the disc. I had to track him down and have him load photos onto the disc[;]" and on October 11, 2013, "I did a work up on the suspect." (Exh. 31, at p. 8.)

Appellant made entries in the Case Journal under the heading of "Supervisory Review," at 30-day intervals from September 8, 2013 through February 8, 2014. The first note, dated September 8, 2013, states: "60 Days, Sgt. Austin notified." (Exh. 31, at p. 8.) The October 8, 2013 note states: "90 Days, Lt. Bergner notified." (*Ibid.*) The other notes, covering the 120-, 150-, 180-, and 210-day intervals, contain the same statement "Sgt. Austin Notified." (*Ibid.*) In the 90-Day Memorandum in this file, dated December 30, 2013, Appellant stated that he anticipated closure of this case on or before March 31, 2014.

On September 19, 2013, Appellant completed the LARCIS electronic case closure form. He used closure code "220," with the text description "No further workable information." However, as set forth in the undisputed official code description exhibit,

LARCIS closure code 220 is "Felony filed, warrant obtained, adult suspect, location unknown." (Exh. 39.) Appellant explained that before the meeting with Austin, discussed below, he had written code "120," which is the "Inactive, No further workable information" code Austin discouraged, but that in changing the code from "120" to "220" he failed to hit the "tab" or "enter" computer keys to enter the proper description for the new code. (*Ibid.*)

In any event, Code 220 was the incorrect closure code to use, as there had been no filing made to the DA or warrant issued at the time the code was entered. Appellant testified that it was his intent to file the case with the DA.

Appellant deemed this case still open and continued to take investigative action in the case. On February 22, 2015, he prepared a supplemental report, in which he noted that the victim did not want to involve the witness because she lived in Fresno. He presented the case to the DA on February 24, 2015. Prosecution was declined because of insufficient corroboration. As noted in the Charge Evaluation Worksheet, "[A]lthough there was another witness (victim's then girlfriend), she was not contacted (despite having her contact information) to conduct a photographic identification. The victim did not want her to get involved because she lives in Fresno. Without obtaining an ID from the witness, this remains a one-on-one incident where the only ID is based upon a photo 6 pack id by the victim. Accordingly, we have insufficient evidence to prove this case beyond a reasonable doubt." (Exh. 31, at p. 3.) Appellant attributed his delay to the lack of corroboration by the witness whom the victim did not want to involve, which he knew would lead to a DA filing rejection; he kept the case open in consideration to the victim, a retired peace officer, and was hoping that additional corroborating evidence would materialize. (Exh. 20, at p. 62.)

The Department established that Appellant failed to take appropriate and diligent investigative action in this case in that he did not present the case to the DA more than 19 months after being assigned to investigate the case.

Torres contacted the victim, and called the DA to inquire if the DA would reconsider filing. He was informed that the DA would not reconsider filing criminal charges.

Case 12 (Exhibit L)

The incident report in this case was taken on August 16, 2013, and the case involved an alleged assault with a deadly weapon, a crowbar, earlier in the day. Four men, three Hispanics and one African American, got off a vehicle and attacked the reporting victim and two others, one of whom was the reporting victim's cousin. The reporting victim did not know the suspects, but provided descriptions. The reporting victim was unable to provide contact information for his two companions.

On August 20, 2013, Appellant acknowledged receipt of the case in the Case Journal. No investigative steps were set forth in the Case Journal. As stated in a Supplemental Report dated May 27, 2014, and prepared by Deputy Stelter, who had other related cases and assisted Appellant with the identification, the victim was shown four photographic lineup cards and identified the men who attacked him as [redacted], [redacted], [redacted] the man with the crowbar, and [redacted], the driver of the vehicle. On January 20, 2015, Appellant presented cases against [redacted] and [redacted] to the DA. There was no explanation in the case file for the submission of the case about eight months after [redacted] identified his attackers, which delay, the testimonies of Aiken and Austin establish, was not warranted in the existing circumstances.

The Department established that Appellant failed to take appropriate and diligent investigative action in this case in that he did not present the case to the DA for almost eight months after the victim identified his assailants.

Appellant made the following "Supervisory Review" entries in the Case Journal: on October 20, 2013, "60 Days, Sgt. Austin notified[;]" on November 20, 2013, "90 Days, Lt. Bergner notified[;]" on December 20, 2013, "120 Days, Sgt. Austin notified[;]" and, on January 20, 2014, "150 Days, Sgt. Austin notified. (Exh. 32, at p. 1.) There was no 90-Day Memorandum in the case file.

The copy of the LARCIS Case Closure screen in evidence was made by Aiken on April 24, 2015, during the investigation. Appellant closed the case in the LARCIS system on November 19, 2013, with code 214, and the legend "Victim refuses to cooperate." (Exh. 32, at p. 5.) This entry is incorrect because, as noted above, the victim identified four suspects on May 27, 2014, and there is nothing in the file to indicate he otherwise refused to cooperate. In closing the case on November 19, 2103, Appellant "projected" that the victim would not cooperate.

In March 2015, Torres contacted a family member of the victim, and was told the family was afraid to proceed with the charges.

Case 13 (Exhibit M)

The March 26, 2014 incident report states that the victim alleged that her husband sent her several harassing texts, some containing nude photographs of her, in violation of a restraining order. The victim confirmed that the phone number from which the texts were sent was her husband's.

The incident report has Austin's customary writing on top, indicating that the case was assigned to Appellant on March 31, 2014. Appellant did not prepare a Case Journal in this case, and testified he did not have time to prepare one before he was told to stop working on DB cases.

Documents in the file indicate that Appellant worked on the case. On March 31, 2014, Appellant obtained a photo of the suspect, and on February 22, 2015, he obtained the suspect's criminal history. Appellant wrote a supplemental report on February 22, 2015, which states that on May 23, 2014 he and another OSS detective obtained a positive identification of the suspect as the person who had sent the texts to the victim. The report further states that in June 2014 the victim left a voice message for Appellant stating that she no longer wanted to prosecute the suspect. Appellant concluded the supplemental report with a note that the case would be presented to the DA for a warrant filing. Appellant did not submit the supplemental report for supervisory approval. On February 24, 2015, Appellant filed the case with the DA.

In failing to prepare a case journal, in preparing a supplemental report on February 22, 2015, long after the reported March and June 2014 contacts with the victim, and in failing to submit the supplemental report for supervisory approval, Appellant failed to follow the requirement of Field Operations Directive 11-01 to timely document case activity in a case journal and in supplemental reports.

The case file contains no explanation for the case not being submitted to the DA before February 24, 2015. Appellant told Aiken during his August 18, 2015 interview that the press of other work, particularly a murder case, kept him from presenting this case for filing. This general assertion is insufficient to excuse Appellant's delay. Therefore, the

Department established that Appellant failed to take appropriate and diligent investigative action in this case in that he had not presented the case to the DA until nine months after the victim identified the suspect.

Case 14 (Exhibit N)

The incident report in this case was prepared on September 7, 2013, and the case involved a spousal battery. The victim alleged that his ex-girlfriend came to his house and sprayed an unknown substance on his face. The suspect was accompanied by a man who held a small black gun. Both left in a white vehicle. The victim's mother observed the pair run away and obtained a partial license plate of the vehicle.

Appellant acknowledged receipt of the case on September 7, 2013, and documented the following steps in the Case Journal: on September 30, 2013, he picked up evidence at STARS; on October 1, 2013, he made color copies of the evidence; and on December 7, 2013, he contacted the victim who informed him of two additional witnesses not mentioned in the initial report.

In a supplemental report dated February 22, 2015, Appellant wrote that he contacted the victim on December 12, 2013, who positively identified the suspect. The victim provided a slightly different account than the one he provided on September 7, 2013, in which another man was also sprayed and added the name of a second witness, his cousin. Appellant wrote that he was unable to contact the original witness and that the victim had no contact information for a second witness. Appellant did not submit the supplemental report for supervisory approval. Appellant submitted the case to the DA in March 2015. There is no explanation in the file for the delay in filing.

The Department established that Appellant failed to take appropriate and diligent investigative action in this case in that Appellant failed to take action for more than one year after the victim had identified the suspect.

Appellant made the following "Supervisory Review" entries in the Case Journal: on November 7, 2013, "60 Days, Sgt. Austin notified[;]" on December 7, 2013, "90 Days, Lt. Bergner notified[;]" on January 7, 2014, "120 Days, Sgt. Austin notified[;]" and, on February 7, 2014, "150 Days, Sgt. Austin notified. (Exh. 34, at p. 30.) Appellant wrote a 90-Day Memorandum, dated December 7, 2013, stating that he anticipated closing the case on or before March 31, 2014.

The copy of the LARCIS Case Closure screen for this case was made by Gallegos on March 18, 2015, during the investigation. The document indicates that Appellant closed the case in LARCIS on December 3, 2013, with code 212, or as a "DA Reject." (Exh. 34, at p. 31.) Appellant explained that he projected that the DA would decline to file criminal charges.

The DA's March 18, 2015 Charge Evaluation Worksheet shows that the case was submitted by Appellant. The District Attorney declined to prosecute due to lack of corroborating evidence. In March 2015, Torres contacted the victim who did not want to prosecute the matter.

Case 15 (Exhibit O)

The incident report in this case was prepared on October 10, 2013. Victims [redacted] ([redacted]) and [redacted] ([redacted]), security guards at a commercial warehouse, reported they had been robbed at gunpoint by three unknown suspects.

As set forth in the Case Journal, Appellant acknowledged receipt of the case on October 15, 2013. On December 15, 2013, Appellant wrote "60 Days, Sgt. Austin notified[,]" and on January 14, 2014, he wrote "90 Days, Lt. Bergner notified." (Exh. 35, at p. 1.) The 90-Day Memorandum in the case file was dated January 15, 2014, and Appellant wrote that he anticipated closure of the case on or before February 15, 2014.

The only field investigation note in the Case Journal, dated October 16, 2014, stated, in its entirety: "I partnered with Major Crimes Detective [redacted] for several weeks in October and November. We spend 2 to 3 days per week for the entire day investigating this case. Our findings pointed to the victim security guard [redacted] as being a suspect pretending to be robbed as part of an inside job. This was determined based off of him failing a polygraph in late November. [redacted] lawyered up during Miranda advisement. He was released as there was not enough probable cause to arrest him." (Exh. 35, at p. 1.) Appellant provided testimony consistent with this journal entry. His investigation occurred in October and November 2013.

Appellant testified that he started the case closure process in early 2014 and that he gave the file to Austin. Other case closure documents in the case file partially support Appellant's testimony that he attempted to close the case in early 2014. Appellant made the following entry in the Case Journal on February 6, 2014: "**Case Closed / Closure Pkg [¶]** No further workable information." (Exh. 35, at p. 1; emphasis in original.) In addition, the Supplemental Report/Case Closure memorandum, dated February 6, 2014, referred to the case as "Inactive; case cleared," and the clearance code was listed as "1," described as "Case Review Only; case to remain pending." (*Id.*, at p. 26.) The supplemental report erroneously contains Binion's pre-printed name as the approving supervisor.

Austin returned the file to Appellant in February 2014 and requested that he prepare a supplemental report detailing his investigative steps. Appellant did not prepare the report for approximately one year, attributing the delay to his other work and the transfer to OSS. The Supplemental Report was dated January 2, 2015, and the document repeats the information contained in the Case Journal. Appellant did not submit the January 2, 2015 supplemental report for supervisory approval, and he did not re-submit the case for closure.

In light of Appellant's testimony, which was corroborated by the October 16, 2014 Case Journal entry, the Department did not establish that Appellant failed to conduct any investigation in this case for one year after being assigned the matter. The Department did establish that Appellant failed to take appropriate and diligent investigative action in this case in that he failed to prepare contemporaneous and sufficiently detailed periodic supplemental reports documenting his investigative steps. Rather, he made one conclusory Case Journal entry and prepared an equally deficient supplemental report at the end of the investigation.

There are five copies of the LARCIS case closure screen in the file, only one of which was printed by Appellant. The other four, one of which is a duplicate, were printed by Aiken during the investigation. The case was not closed, and the screens contain the case status code of "1," which was described on the form as "Pending, Case Screening." (*Id.*, at p. 3.)

Case 16 (Exhibit P)

The incident report in this case was prepared on September 4, 2013, and the case involved an alleged indecent exposure that occurred in February 2013. The victim, who was standing in his yard, noticed a man standing by his doorway wearing a robe that exposed thong underwear and moving his hips from left to right. The man later went to the mailbox,

where he dropped the robe, again exposing his underwear. A few minutes later, while again standing by the door, the man exposed his penis.

As set forth in the Case Journal, Appellant acknowledged receipt of the case on September 13, 2013. Appellant documented the following steps in the Case Journal: on April 4, 2014, he researched possible suspect information; on April 4, 2014, he drove to the victim's home, who was not there, and left his business card with the victim's son urging contact as soon as possible; on April 5, 2014, Appellant called the victim several times but did not receive a call back.

The Department established that Appellant failed to take appropriate and diligent investigative action in this case in that Appellant did not attempt to contact the victim before the statute of limitations had lapsed. His explanation that the totality of his caseload kept him from attempting to speak to the victim earlier does not excuse his failure to prioritize a case with a lapsing statute of limitations.

Appellant made the usual entries under "Supervisory Review" headings on November 11, 2013, January 13, February 13, March 13, April 13, May 13, and June 13, 2014, stating "Sgt. Austin notified," and one on December 13, 2013, stating "90 Days, Lt. Bergner notified." (Exh. 36, at pp. 1-2) The 90-Day Memorandum, dated December 13, 2013, stated that Appellant anticipated closure of the case on or before March 31, 2014.

The copy of the LARCIS Case Closure screen for this case was made by Appellant on June 25, 2014. The document indicates that Appellant closed the case in the LARCIS system on December 12, 2013, with code "205," or a "DA Reject." (Exh. 36, at p. 7.) However, as evidenced by the LARCIS screen copy Aiken printed during the investigation, Appellant

later changed the description to the correct definition for Code 205, namely "Unfounded/No Crime." (*Ibid.*, at p. 3.)

The Case Journal contains an entry for June 25, 2014, with the heading "Case Closed/Closure Package," which states: "After closer review of report, I determined there to be no crime because once the victim spotted the suspect, the suspect quickly ran back into the house. The crime elements were not present in this case. Additionally, the victim reported incident 7 months later. Case closed Unfounded/no crime." (Exh. 36, at p. 2.) The Supplemental Report/Case Closure Form notes under "Action," that the case was "Inactive; Case cleared," and the Clearance Code set forth was "205," "Unfounded/no crime." (Exh. 36, at p. 5.)

The Case Journal and the Supplemental Report/Case Closure documents have Austin's pre-printed name as the approving supervisor with initials above the name. The initials are not Austin's, as he denied making them and he was no longer assigned to the Carson DB on June 25, 2014. Appellant denied entering the initials and testified that he simply placed the file in the sergeant's box for approval.

Binion contacted the victim in March 2015, who identified the suspect from a six-pack photographic lineup. He took no further action, as the suspect had moved out of state.

<u>Appellant's State of Mind</u>

Except with respect to errors noted above regarding Appellant's failure to hit the "tab" or "enter" keys on his computer after entering certain LARCIS codes, Appellant's writing or entry of information into case files, CLEATS, and LARCIS was knowing and willful in that the evidence presented at the hearing, primarily Appellant's own testimony, establish that he intended to write or enter the information that he did write or enter.

Appellant's Case Status Notifications in the Case Journals

As set forth above with respect to Case numbers 1, 2, 3, 4, 5, 6, 11, 12, 14, and 16, Appellant wrote in the Case Journal for each file under a heading of "Supervisory Review" that the DB lieutenant, either Bergner or Tardy, had been notified about the case status at the 90-day mark and that the DB sergeant, Austin, had been notified at the 60-day mark and at other 30-day timelines after the 90-day mark. Bergner and Tardy denied receiving any case status notification, and Austin did not recall receiving any specific notification. In any event, Appellant conceded that he did not personally make the notifications in question.

Appellant denied entering false information in the file, and referred to the entries as electronic notification that the cases remained open past the particular dates. Appellant's testimony was not persuasive. The language he used plainly stated that particular individuals were "notified," which they were not. Inasmuch as he did not specifically tell Austin, Bergner, or Tardy that a specific case exceeded a particular case-closure goal, he entered false information in the Case Journals.

Appellant sought to explain his entries by reference to the training he had received. According to Appellant, [redacted] instructed him that all that was required was a file notification. His testimony is uncorroborated, but, even if it is concluded that [redacted] provided such instruction, it does mean that the instruction was correct, and certainly does not excuse Appellant's use of false or misleading language.

90-Day Memorandum

As set forth above with respect to the individual cases, Appellant did not provide the 90-Day Memorandum to Bergner or Tardy in Case numbers 1, 2, 3, 4, 5, 6, 11, 14, 15, and 16. Field Operations Directive 11-01 and Carson Station custom and practice dictated

presenting the memorandum to the supervising DB lieutenant on or about the 90-day mark for active cases for their approval of the cases remaining open, which was typically done by physically handing the memoranda to the lieutenants or by placing the memoranda in the lieutenant's in-boxes. As with the case status notifications discussed in the preceding section, Appellant conceded he did not actually, physically provide a file to the DB lieutenant but, instead, made what he called a "file" notification. He sought to justify his failure to submit the memoranda for review on the basis that he had been trained that all that was required was a file notification. This justification is rejected for the same reasons it was rejected above with respect to the failure to make other supervisory notifications.

False Closure Dates in LARCIS

As set forth above, Appellant closed Case numbers 1, 2, 3, 5, 11, 12, 14, and 16 in LARCIS. These closures were not true closures in that Appellant had not concluded his investigation at the time of the purported closure and in that he had not obtained supervisory approval for the closures. Appellant continued to investigate most of these cases after closing them in LARCIS.

The testimony of Austin and the contents of the case files, as partially corroborated by Appellant himself, establish that Appellant did not obtain his supervisor's approval for closing any of these cases in LARCIS. Appellant conceded he did not seek supervisorial approval for the closure of any of these cases in LARCIS. Closure of these cases was not reflected in the Case Journals, and case closure supplemental reports were not prepared at the time of the purported closure. The effect of such LARCIS closures was to remove the cases, all of which were open for more than 90 days, from supervisory scrutiny. Accordingly,

Appellant entered false closing dates in LARCIS for Case numbers 1, 2, 3, 5, 11, 12, 14, and 16, which entries constitute false statements in Department records.

Appellant did not dispute that he closed the cases in LARCIS or that he did not timely complete the other steps in the case closure process in these cases. Appellant sought to explain his actions with reference to a staff meeting held by Austin in mid-September 2013, before an upcoming audit. Appellant testified, consistent with his statements during the August 18, 2015 interview with Aiken, that Austin told them "not to 120 your cases," a reference to LARCIS code 120 to be used when there was "no workable information." Austin also stressed for the detectives to close out their 90-day cases. Appellant testified that he took Austin's words as a directive to close all 90-day cases and to do so without using Code 120.

After the September 2013 meeting, Appellant looked at his cases and closed those at the 90-day mark in LARCIS with what he "projected" or "forecasted" would be the actual code he would use when the case was finally closed and presented to the DB supervisors for approval. During the investigation, Appellant told Aiken that he deemed the pre-closure entries a "formality" that would keep cases "off the radar" by giving them "a temporary close." (Ex. 20, at pp. 31-32.) It was Appellant's custom and practice after September 2013 to print a copy of the case closure screen and to place the copy in the case file. His plan was to replace the temporary closure form with a final one at the time he closed the case in CLEATS and prepared the case closure supplemental memorandum. The record evidence in the case whose closure was approved, albeit long after it was initially closed in LARCIS, Case number 1, and in the case in which Appellant submitted the closure package, Case number 16, is consistent with Appellant's stated plan. In the former, Appellant substituted

projected code 200, adult arrested, with code 214, victim refuses to cooperate. In the latter, Appellant substituted projected code 205, DA reject, with code 205, unfounded/no crime.

Austin testified that he tried to have regular meetings with detectives under his supervision. He recalled a meeting where he discussed use of LARCIS Code 120, or "no workable information," with detectives. He told them that the code should be used sparingly, as cases assigned to them typically had workable information and should be solved. If they could not solve the case, designating the cases as "pending" may be a better option. He testified that he always urged detectives to use accurate codes, and denied telling them to use an inaccurate code. Austin's testimony was more detailed, consistent with Department policy, and is credited when in conflict with Appellant's more conclusory and uncorroborated testimony.

Austin did not direct or even suggest that Appellant prematurely close cases or that he make inaccurate entries in case files. In Appellant's own recollection, Austin only stressed not using code 120 and to close the 90-day cases, something which could be done within Department policy. It was Appellant who decided to project or forecast how he would close cases and it was Appellant who took action to make file entries which he understood would get the cases "off the radar." Austin's directives therefore do not excuse or justify Appellant's decisions to make false statements in the files.

At the hearing and during the interview with Austin, Appellant stated that he did not intent to deceive anyone. He projected closure codes based on the file information available at the time, and corrected the codes, if necessary, at the time of final case closure. At the time the physical file was reviewed, the DB supervisors would then be able to approve his earlier, temporary closure date. In addition, his case-related actions were easily reviewable

by supervisors before the case was closed in CLEATS, his case log, and the case files. All of the cases at issue remained open in CLEATS, where his case journals and notifications depicted the age of the case and his investigative actions. He kept his case log and all case files on his desk, where they were easily accessible to supervisors.

False Case Status Codes in LARCIS

In Case 1, Appellant used LARCIS Code 214, victim refuses to cooperate, when in fact the victim did not refuse to cooperate. In Case 2, Appellant again used LARCIS Code 214, when he had not contacted the victim and could not truthfully determine he refused to cooperate. In Case 3, Appellant entered Code 224, misdemeanor filed, warrant obtained, when in fact he had not actually presented the case to the DA for filing. In Case 5, Appellant entered Code 212, DA reject, when he in fact had not presented the case to the DA for filing. In Case 12, Appellant used LARCIS Code 214, victim refuses to cooperate, when in fact the victim had not refused to cooperate at the time the entry was made. In entering the forgoing codes in Case numbers 1, 2, 3, 5, and 12, Appellant entered false information in LARCIS.

However, it was not established that Appellant's entry of incorrect LARCIS Code descriptions of "adult arrested" in Case 1, "no further workable information" in Case 2, and "no further workable information" in Case 11, constituted knowing or willful entries of a false code. Rather, the evidence established that the incorrect entries were the result of mistakes.

Failure to Conduct Appropriate Investigation

As set forth above, Appellant failed to take appropriate and diligent investigative action for the following reasons: in Case 1, he failed to timely present the case to the DA; in Case 2, he failed to timely attempt to contact or actually contact the victim; in Case 3, he

failed to timely contact the victim; in Case 4, he failed to contact the victim or to indicate in the case file that he was conducting an investigation of the same suspect in a related case; in Case 5, he failed to contact the victim; in Case 6, he failed to prepare a supplemental memorandum to the file regarding the victim's alleged failure to cooperate, he failed to investigate the reason(s) the suspect had the firearm, and he failed to submit the matter to the DA; in Case 11, he failed to present the case to the DA for more than 19 months after being assigned the case; in Case 12, he failed to present the case to the DA for approximately eight months after the victim had identified the suspects; in Case 13, he failed to present the case to the DA for nine months after the victim had identified the suspect; in Case 14, he failed to take any action in the case for more than one year after the victim had identified the suspect; in Case 15, he failed to prepare contemporaneous and sufficiently detailed periodic supplemental reports documenting his investigative steps; and, in Case 16, he failed to attempt to contact the victim before the expiration of the statute of limitations.

Failure to Follow Field Operations Directive 11-01

In failing to prepare a case journal in Case 13, in preparing a supplemental report in the case on February 22, 2015, long after the reported March and June 2014 contacts with the victim, and in failing to submit the supplemental report in the case for supervisory approval, Appellant failed to follow the directives of Field Operations Directive 11-01 to timely document case activity in the case journal and in supplemental reports and to timely submit supplemental reports for supervisory approval. In failing to submit the February 22, 2015 supplemental report in Case 14 for supervisory approval and in failing to submit the January 2, 2015 supplemental report in Case 15 for supervisory approval, Appellant failed to follow

the directive of Field Operations Directive 11-01 to timely submit supplemental reports for supervisory approval.

Other Evidence Presented by Appellant in Mitigation of His Conduct

As noted above in the discussion of some of the specific cases, Appellant often pointed to the volume of work and the press of higher priority cases as explanations for not being able to close the cases faster. He also testified that once he transferred to OSS the cases there were difficult, time-consuming, and required priority. While the volume of work and the existence of higher priority work do not excuse Appellant's conduct, they explain, at least in part, the reasons Appellant delayed taking certain investigative actions and felt pressured to lower the profile of some cases.

Appellant also presented the testimony of Del Mese, who at the time of the hearing was in charge of the North Patrol Division and had been involved in audits of DB operations, including the March 2012 audit of Carson Station DB. Del Mese confirmed Appellant's testimony that supervisors can track detectives' case handling activities through CLEATS. In fact, he trained supervisors to use CLEATS as a case-tracking tool. Del Mese testified that transferring detectives should not carry to new assignments cases from their old units, as such case retention diminishes the ability of responsible supervisors to monitor the cases and is unfair to the employee.

Del Mese also testified that the case closure process is a duty of the DB sergeant, and that Carson Station was the only one which permitted detectives to enter case closure information in LARCIS. In his opinion, giving detectives permission to close cases in LARCIS was a violation of policy.

Department Policies and Disciplinary Decision

The initial decision in this case was made by Buddy Goldman (Goldman), Chief, South Patrol Division. As set forth in the March 1, 2016 Disposition Sheet, Goldman concluded that Appellant violated Department policy by failing to investigate the 12 cases at issue in accordance with Department policy, that he entered false information in Department records in connection with these investigations, and that discharge was appropriate because of the severity of the violations. Goldman's decision was upheld by a panel composed of Sheriff Jim McDonnell, Executive Officer Neal B. Tyler, and Assistant Sheriffs Richard Barrantes and Todd S. Rogers.

Goldman is no longer employed by the Department and his successor, Gross, testified at the hearing in support of the Department's decision. Gross reviewed the materials gathered during the investigation, including the case files and the transcript of Appellant's interview, and considered pertinent Department policies and disciplinary guidelines. Gross agreed with the decision to discharge Appellant and with the findings in the Disposition Sheet. In his view, despite Appellant's "outstanding record," his actions were not justified and had a serious harm to the public service, or, as he put it, "we failed the victims."

The Department concluded Appellant violated Manual sections 3-01/050.10 (Performance to Standards), 3-01/030.05 (General Behavior), 3-01/000.13 (Professional Conduct – Core Values), 3-01/050.20 (Duties of All Members), 3-01/030.10 (Obedience to Laws, Regulations and Orders), as it pertains to Filed Operations Directive 11-01, and 3-01/100.35 (False Information in Records). Manual section 3-01/050.10 requires Department members to "[p]erform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the

Department." (Exh. 1, at p. 11.) Manual section 3-01/100.35 provides: "Members shall not make false official records. They shall not knowingly or willingly enter, or cause to be entered, in any Department books, records, computer or electronic data systems, any inaccurate, false or improper police information or material matter." (Exh. 11, at p. 17.)

The Department has promulgated Guidelines for Discipline and Education-Based Alternatives (Guidelines). The governing Guidelines, effective September 28, 2012, contain the following pertinent language with respect to progressive discipline: "After the non-disciplinary approach is used or in some initial instances of misconduct or poor performance, the manager must impose discipline. Generally, discipline will follow a 'progressive step method.' This method attempts to correct, resolve or remove the employee's performance problem or misconduct at the lowest, most effective level. It should be imposed when the manager can reasonably anticipate that the discipline will be effective. [¶] . . . [¶]. There are some acts of misconduct, which by their nature, are not appropriate for progressive discipline. These are conduct problems which the employee should have reasonably known to be unacceptable, without specific notice from the Department, or which are generally socially unacceptable. [¶] Such behavior may include, but is not limited to, fraternization with inmates, drug usage, dishonesty, thievery, violent behavior, insubordinate behavior, or behavior which is illegal or places the individual or the Department in violation of federal, state or local laws, or court orders. [¶] These acts mat result in relatively harsh discipline, even discharge, without the use of progressive discipline." (Exh. 4A, at p. 3; emphasis in original.)

The Guidelines provide the following range of discipline for the Manual sections Appellant is alleged to have violated: from a written reprimand to discharge for violation of

Manual section 3-01/050.10; from a written reprimand to discharge for violation of 3-01/030.05; from a written reprimand to discharge for violation of 3-01/000.13; from a one-day suspension to a five-day suspension for violation of 3-01/030.10; and from a ten-day suspension to discharge for violation of 3-01/100.35.

Appropriate Level of Discipline

As set forth in the Guidelines, progressive discipline is key to all disciplinary decisions. Absent egregious or socially unacceptable conduct which the employee should have reasonably known to be unacceptable without specific notice from the Department, several of which are enumerated in the Guidelines, progressive discipline should be followed. Appellant's conduct is not one of the enumerated offending behaviors or otherwise so egregious or socially unacceptable as to warrant disregard of progressive discipline.

The Guidelines provide a wide range of potential discipline for the violations established. Discharge may be appropriate for three of the policy violations associated with the failure to properly investigate cases, namely, Manual sections 3-01/050.10, 3-01/030.05, and 3-01/000.13, but a written letter of reprimand may be appropriate for the same violations. A minor suspension is recommended for the other alleged violation in this category, Manual section 3-01/030.10. While discharge is also recommended for the charge of entering false information in Department records in violation of Manual section 3-01/100.35, a 10-day suspension may also be appropriate. Given this wide range of potential discipline, the facts and circumstances surrounding the violations are critical for the assessment of the appropriate level of discipline.

The policy violations involved 12 different cases and Appellant's conduct spanned a period of 18 months, from September 2013 to March 2015. Appellant's conduct with respect to the record entries was knowing and willful, in that he intended to make the entries which he did. He understood that closure in LARCIS would lower the scrutiny of the cases in question. The impact of his conduct was significant, as prosecutions were hampered by delays in investigation, which include cases in which the statute of limitations lapsed.

There are nevertheless factors tending to explain or mitigate Appellant's conduct. The 12 cases represent a relatively small percentage of the cases Appellant handled during the period in question, and Appellant essentially made the same documentation entries in multiple cases. The volume of work and the presence of higher priority assignments, complicated and compounded by the transfer to OSS and the assignment of new and more time-consuming cases, impacted the handling of the investigations. Despite the lowered profile of the cases closed in LARCIS, Appellant did not hide that he was continuing to investigate them and the cases were subject to review and tracking in CLEATS or through physical inspection of Appellant's case log or case files. Appellant cooperated in the Department's investigation, and did not attempt to hide his deficiencies, which indicates acceptance of responsibility for his misconduct. Appellant's performance has been above average and there is no evidence of prior discipline. Even if the statement in the Disposition Worksheet is taken at face value, Appellant suffered only minor discipline, a written reprimand, over a 14-year career.

In the existing circumstances, substantial discipline is appropriate, but given the wide range of potential discipline, the Department's policy of progressive discipline, the factors tending to explain or mitigate Appellant's conduct, and Appellant's work history and

absence of discipline, discharge is not warranted. Rather, a 30-day suspension is the appropriate level of discipline.

FINDINGS OF FACT

1. Appellant was hired in February 2002, and completed the Sheriff's Academy in August 2002. After two months at Men's Central Jail, Appellant was assigned to patrol duties at the Department's Lakewood Station. He transferred to the Lancaster Station after approximately five years, and was promoted to detective about five years later. He arrived at Carson Station in June 2012, and worked in the DB, an assignment that included the performance of patrol duties for approximately eight hours each week. On April 20, 2014, Appellant started a gang detective assignment at the Carson Station OSS. From March 17, 2015, until his discharge **on March 20, 2016**, during the pendency of the investigation into his conduct **and the Department's determination of the level of discipline**, Appellant was assigned to civilian duties at the Stanley Mosk Courthouse.

2. While employed, Appellant was a hard-working detective who had done some outstanding work. Appellant received "Very Good" ratings on his performance evaluations for the periods of August 30, 2013 to August 29, 2014, and August 30, 2014 to August 29, 2015, and an "Outstanding" rating for the period of August 30, 2011 to August 29, 2012. Appellant has not suffered prior discipline.

3. Appellant and other detectives at Carson Station were required to timely handle cases assigned to them. Typical processing of active cases was expected to be completed within 30 days, and detectives were required to justify to supervisors keeping cases open past 60 days. For cases open for 90 days, detectives were to prepare and submit a memorandum to the DB lieutenant to justify keeping the case open. In accordance with Field

Operations Directive 11-01 and Carson Station custom and practice, detectives presented the memorandum to the supervising DB lieutenant by physically handing the memoranda to the lieutenant or by placing the memoranda in the lieutenant's in-box. Supervisors were to monitor detectives' case-handling activities, to ensure compliance with case handling guidelines, and to formally track the processing of the cases. Supervisors were to review the LARCIS active/assigned report at a minimum of twice per month and to ensure that only currently assigned detectives had cases active to the detective bureau team within LARCIS.

4. Detectives at Carson Station were required to timely record their investigative steps in the Case Journal in CLEATS and to contemporaneously document their investigative activities in supplemental reports. Austin and other supervisors had access to CLEATS to monitor detectives' case-handling activity.

5. Detectives prepared case files for supervisory review and closure. They were to complete and place required documents on top of the file, namely, a copy of the LARCIS case closure computer screen, a copy of the CLEATS Case Journal, and a Case Closure Supplemental Report. The assigned detective was responsible for entering accurate information in all the documents, including LARCIS closure codes. The detective **was** then **required to** place~~[d]~~ the investigative file on the sergeant's desk or in-box for approval. Detective supervisors were required to review the contents of their subordinates' case files and to personally approve each case closure.

6. Appellant had been trained in, and was familiar with, case handling timelines, procedures, and Department directives.

7. Appellant kept his active case files on three file holders on top of his desk, one each for cases under 30 days, over 60 days, and over 90 days. As required, he also kept a

paper case log next to the files. The files and case log were accessible to Austin and other DB supervisors.

8. As established by the testimonies of Appellant, Austin, Bergner, and Tardy, Appellant failed to notify DB supervisors that Case numbers 1, 2, 3, 4, 5, 6, 11, 12, 14, and 16 had exceeded case-handling deadlines. He nevertheless made entries in the case files falsely stating that he had notified the supervisors. Making the false entries was not dictated or justified by Appellant's training.

9. As established by the testimonies of Appellant, Bergner, and Tardy, Appellant did not provide the 90-Day Memorandum to Bergner or Tardy in Case numbers 1, 2, 3, 4, 5, 6, 11, 14, 15, and 16. He nevertheless made entries in the case files falsely stating that he had notified the supervisors. Making the false entries was not dictated or justified by Appellant's training.

10. Appellant closed Case numbers 1, 2, 3, 5, 11, 12, 14, and 16 in LARCIS. These closures were not true closures in that Appellant had not concluded his investigation at the time of the purported closure and in that he had not obtained supervisory approval for the closures. Appellant continued to investigate most of these cases after closing them in LARCIS. Accordingly, Appellant entered false closure dates in LARCIS for these cases, which entries constitute false statements in Department records. Contrary to Appellant's assertions, Austin did not direct Appellant or other detectives to prematurely close any cases.

11. Appellant entered false case status codes in LARCIS in five separate cases. In Case 1, Appellant used LARCIS Code 214, victim refuses to cooperate, when in fact the victim did not refuse to cooperate. In Case 2, Appellant again used LARCIS Code 214, when he had not contacted the victim and could not truthfully determine he refused to

cooperate. In Case 3, Appellant entered Code 224, misdemeanor filed, warrant obtained, when in fact he had not actually presented the case to the DA for filing. In Case 5, Appellant entered Code 212, DA reject, when he in fact had not presented the case to the DA for filing. In Case 12, Appellant used LARCIS Code 214, when in fact the victim had not refused to cooperate at the time the entry was made. In entering the forgoing codes in Case numbers 1, 2, 3, 5, and 12, Appellant entered false information in LARCIS.

12. Appellant's entry of false information in Department records, as set forth in Finding of fact numbers 8, 9, 10, and 11, was knowing and willful in that the evidence presented at the hearing, primarily Appellant's own testimony, establish that he intended to write or enter the information that he did write or enter.

13. It was not established that Appellant's entry of incorrect LARCIS code descriptions of "adult arrested" in Case 1, "no further workable information" in Case 2, and "no further workable information" in Case 11, constituted knowing or willful entries of a false code. Rather, the evidence established that the incorrect entries were the result of mistakes.

14. Appellant failed to take appropriate and diligent investigative action for the following 12 cases: in Case 1, he failed to timely present the case to the DA; in Case 2, he failed to timely attempt to contact or actually contact the victim; in Case 3, he failed to timely contact the victim; in Case 4, he failed to contact the victim or to indicate in the case file that he was conducting an investigation of the same suspect in a related case; in Case 5, he failed to contact the victim; in Case 6, he failed to prepare a supplemental memorandum to the file regarding the victim's alleged failure to cooperate, he failed to investigate the reason(s) the suspect had the firearm, and he failed to submit the matter to the DA; in Case

11, he failed to present the case to the DA for more than 19 months after being assigned the case; in Case 12, he failed to present the case to the DA for approximately eight months after the victim had identified the suspects; in Case 13, he failed to present the case to the DA for nine months after the victim had identified the suspect; in Case 14, he failed to take any action in the case for more than one year after the victim had identified the suspect; in Case 15, he failed to prepare contemporaneous and sufficiently detailed periodic supplemental reports documenting his investigative steps; and, in Case 16, he failed to attempt to contact the victim before the expiration of the statute of limitations.

15. Appellant failed to follow Department directives in handling three cases. In failing to prepare a Case Journal in Case 13, in preparing a supplemental report in the case on February 22, 2015, long after the reported March and June 2014 contacts with the victim, and in failing to submit the supplemental report in the case for supervisory approval, Appellant failed to follow the directives of Field Operations Directive 11-01 to timely document case activity in the case journal and in supplemental reports and to timely submit supplemental reports for supervisory approval. In failing to submit the February 22, 2015 supplemental report in Case 14 for supervisory approval and in failing to submit the January 2, 2015 supplemental report in Case 15 for supervisory approval, Appellant failed to follow the directive of Field Operations Directive 11-01 to timely submit supplemental reports for supervisory approval.

16. The volume of work and the press of higher priority cases impacted Appellant's ability to timely investigate the cases at issue, as did his transfer to OSS, where cases were difficult, time-consuming, and required priority. The 12 cases represent a relatively small percentage of the cases Appellant handled during the period in question, and

Appellant essentially made the same documentation entries in multiple cases. Appellant did not attempt to hide that he was continuing to work on the 12 cases, and his investigative activities were subject to supervisory review though CLEATS, the physical files on Appellant's desk, and the paper case log on his desk. Appellant cooperated in the Department's investigation, and did not attempt to hide his deficiencies, which indicates acceptance of responsibility for his misconduct.

17. **The Department has a policy of progressive discipline, and lesser discipline is permitted under the Guidelines for the violations established at the hearing. Thus, a written letter of reprimand is permitted for violations of Manual sections 3-01/050.10, 3-01/030.05, and 3-01/000.13, and a 10-day suspension is permitted for violations of Manual section 3-01/100.35.**

CONCLUSIONS OF LAW

1. The Department established by a preponderance of the credible evidence the truth of most of the allegations contained in its letter dated March 31, 2016, as set forth in Finding of Fact numbers 1 through 15.

2. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-01/050.10, because he failed to conduct 12 investigations in accordance with Departmental standards, as set forth in Finding of Fact numbers 3 through 6, 8 through 12, and 14.

3. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-01/030.05, because he acted in such a manner as to bring discredit to the Department by failing to conduct 12 investigations in accordance with

Departmental standards, as set forth in Finding of Fact numbers 3 through 6, 8 through 12, and 14.

4. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-01/000.13, because he failed to conduct himself in a manner consistent with Department core values by failing to conduct 12 investigations in accordance with Departmental standards, as set forth in Finding of Fact numbers 3 through 6, 8 through 12, and 14.

5. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-01/030.10, as it pertains to Field Operations Directive 11-01, because he failed to obey all laws, regulations, and orders in failing to conduct 12 investigations in accordance with Departmental standards, as set forth in Finding of Fact numbers 3 through 6, 8 through 12, and 14.

6. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-01/100.35, because he entered false information in Department records, as set forth in Finding of Fact numbers 3 through 6, and 8 through 12.

7. The Department did not establish by a preponderance of the credible evidence that discharge is the appropriate discipline. Rather, **in light of Appellant's excellent work performance, the absence of prior discipline, the impact of the volume of work and the press of higher priority cases, the impact of his transfer to OSS, the fact that the 12 cases represent a relatively small percentage of the cases Appellant handled during the period in question, the fact that Appellant essentially made the same documentation entries in multiple cases, the fact that Appellant did not attempt to hide that he was continuing to work on the 12 cases, the fact that his investigative activities were subject**

to supervisory review though CLEATS and the physical files and paper case log on his desk, his cooperation in the Department's investigation, the fact that his cooperation and his lack of attempt to hide his deficiencies indicates acceptance of responsibility for his misconduct, the Department's policy of progressive discipline, and the fact that lesser discipline is permitted under the Guidelines, the appropriate level of discipline is a 30-day suspension.

RECOMMENDATION

It is respectfully recommended that the Commission adopt the Findings of Fact and Conclusions of Law and reduce Appellant's discharge to a 30-day suspension.

DATED: 5/29/20

Samuel D. Reyes
Hearing Officer